Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

6 March 2018

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Second session
Geneva, 23 April–4 May 2018

Nuclear cooperation with States that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Egypt

1. The non-proliferation of nuclear weapons remains one of the key pillars of the Treaty on the Non-Proliferation of Nuclear Weapons. In particular, article III (2) of the Treaty is an essential component of the non-proliferation regime. We note with concern the growing trends of ongoing cooperation in the nuclear field between certain nuclear-weapon States and States that are not parties to the Treaty. The continued activities by some States parties to the Treaty to increase cooperation with States that are not parties to the Treaty negatively affect agreed non-proliferation norms. Such cooperation contradicts not only the text of the Treaty but also the commitments agreed upon in previous Review Conferences of the Parties to the Treaty and deviates from efforts to promote and achieve universal adherence to the Treaty.

2. Such cooperation negates the bargain struck between nuclear-weapon States and non-nuclear-weapon States based on the shared interest in preventing nuclear proliferation. It not only weakens one of the essential pillars of the Treaty but also erodes the credibility of the Treaty as a whole, constituting a challenge to the non-proliferation regime.

3. Previous Review Conferences reiterated the importance of the acceptance of the comprehensive safeguards of the International Atomic Energy Agency (IAEA) and that any transfer of nuclear material and equipment should be conditional upon the acceptance of such safeguards. It is essential to stress that the IAEA safeguards remain a fundamental component of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and are essential in creating an environment conducive to the peaceful use of nuclear energy and nuclear cooperation between States parties to the Treaty. Any provision of sensitive material to or cooperation on dual-use nuclear technologies with States that are not parties to the Treaty negatively affects non-proliferation norms.

4. Egypt believes that it is of the utmost importance for States to continue to adhere to the Treaty and avoid any changes that would accord a different status to States that are not parties to the Treaty. Any continued cooperation will only blur the line between States parties and States that are not parties to the Treaty, leading to the undermining of the Treaty itself.

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Actions required by the 2020 Review Conference

1. Affirm that any nuclear cooperation with States that are not parties to the Treaty contravenes both the text and the spirit of the Treaty and weakens the norms, rules and principles of non-proliferation.

2. Call upon all States parties to the Treaty to respect the Treaty regime's norms, rules and principles to reinforce and strengthen the non-proliferation regime.

3. Call upon all States that are not parties to the Treaty to join the Treaty as non-nuclear-weapon States immediately and without conditions and to subject their nuclear facilities to comprehensive safeguards agreements with IAEA.

4. Call upon all States parties to make every effort to achieve the universality of the Treaty.

5. Reaffirm that any transfer of nuclear material, equipment and technology should be carried out under the IAEA full-scope safeguards and that any deviation therefrom goes against the letter and spirit of the Treaty.

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The role of nuclear weapons in security and defence doctrines

Working paper submitted by Egypt

1. Despite persistent calls upon the nuclear-weapon States to fulfil their legal commitments of nuclear disarmament, the continued lack of concrete progress in the implementation of their obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons remains disappointing. We express our deep concern at the continued lack of meaningful progress in the field of nuclear disarmament.

2. We observe with grave concern that nuclear deterrence continues to feature highly in the defence and security doctrines of nuclear-weapon States. The continuous efforts to pursue programmes to modernize stockpiles of nuclear weapons are yet another indication of the long-term reliance on this doctrine and weaken the commitment to the principles and objectives of the Non-Proliferation Treaty.

3. The continued possession by nuclear-weapon States of nuclear arsenals for deterrence purposes, the development of new generations of such weapons and the provision of assistance to States that are not parties to the Treaty, as well as the continued deployment of nuclear weapons in territories of non-nuclear-weapon States through nuclear-sharing arrangements, undermine the objectives of the Treaty.

4. Egypt recalls action 5 (c) of the final document adopted by 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in which, inter alia, the nuclear-weapon States were called upon to "further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies". It is in this context that the implementation of the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals requires declaratory measures aimed at further strengthening transparency and predictability.

5. The notion put forward of "strategic stability" achieved through nuclear deterrence contradicts both the text and the spirit of the Treaty. Security and defence doctrines aimed at integrating nuclear weapons for deterrence purposes do not contribute to bringing regional and international stability and delay any possibility of achieving a world free of nuclear weapons. We remain deeply concerned at the

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reliance of some States and alliances on defence and security concepts and doctrines that justify the threat of use of nuclear weapons. Such doctrines confirm the continued reliance on nuclear weapons as an integral part of national security, thereby undermining both the text and the spirit of the Treaty.

6. Existing disparities in strategies, doctrines and operational status do not create favourable conditions for either achieving the elimination of nuclear weapons or promoting confidence-building measures. The reliance on nuclear weapons in security and defence strategies serves as evidence of the tendency to maintain the status quo and the discriminatory nature of the disarmament regime.

7. Recent reviews of nuclear postures by certain States have been both disappointing and alarming. They not only reflect a continued strong reliance on nuclear deterrence but even reveal future plans for the modernization of nuclear arsenals.

8. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should call for the reliance on nuclear weapons to be diminished and further highlight the centrality of collective security through reducing the reliance on nuclear weapons in security and defence doctrines and strategies.

Actions required by the 2020 Review Conference

1. Call upon the nuclear-weapon States to diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies.

2. Call upon the nuclear-weapon States to commit to accelerating concrete progress on the steps leading to nuclear disarmament in a way that promotes international stability, peace and undiminished and increased security.

3. Affirm the urgency of rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons.

4. Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security.

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Peaceful uses of nuclear energy

Working paper submitted by Egypt

1. The peaceful use of nuclear energy is a fundamental pillar of the Treaty on the Non-Proliferation of Nuclear Weapons. Article IV of the Treaty recognizes the inalienable right of all States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination. The Treaty affirms that the benefits of peaceful applications of nuclear technology should be available to all States parties and that they are entitled to exchange scientific information in order to develop those applications.

2. The use of nuclear energy for peaceful purposes has progressively developed into a strategic necessity for many developing countries to meet demands for socioeconomic development. The promotion of the peaceful uses of nuclear energy should be championed by all States parties to the Treaty, and they should be encouraged to maximize benefits in this field through mutual cooperation and assistance.

3. Despite the Non-Proliferation Treaty's unequivocal commitment to the peaceful uses of nuclear energy, there is concern over what seem to be continued attempts by some States parties to the Treaty to introduce measures that hinder the exchange of equipment, materials and technological information for the peaceful uses of nuclear energy. The inclination of some States parties to propose such measures runs contrary to the text and spirit of the Treaty by restricting international cooperation and limiting assistance in this field. This approach can only undermine the Treaty and erode its credibility.

4. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should encourage the accessibility of beneficial international exchanges and cooperation in the field of the peaceful uses of nuclear energy. Curbing such exchanges will jeopardize the delicate balance between the rights and obligations of States parties under the Treaty. It is important to underscore that the Treaty does not prohibit in any way the use or transfer of nuclear technology, material or equipment for peaceful purposes based on sensitivity. Restricting the transfer of sensitive material and technology contravenes the Treaty, especially as all such material would be subject to the full-scope safeguards of the International Atomic Energy Agency (IAEA).

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5. International cooperation is crucial for facilitating the access of developing countries to the materials, equipment and scientific and technological information necessary for the peaceful uses of nuclear energy. The statute of IAEA stipulates the right of member States to use atomic energy for peaceful purposes and to promote socioeconomic development through technical cooperation, with due consideration for the needs of developing countries. We stress the importance of nuclear knowledge-sharing and the transfer of nuclear technology to developing countries to advance and expand their scientific and technological capabilities.

6. There is concern that some States parties to the Treaty are seeking to modify their export policies to make transfers of technology conditional upon additional obligations. Export control should not lead to the establishment of a discriminatory and selective regime that would impose restrictions on the transfer of nuclear materials, equipment and technology to developing countries. Rules and restrictions on transfers of technology and nuclear export controls that are imposed on non-nuclear-weapon States parties to the Treaty, especially developing countries, should be reversed. Such discriminatory and selective measures completely undermine the inalienable right guaranteed by article IV to the peaceful use of nuclear energy without discrimination.

7. Such actions also negate the bargain struck between nuclear-weapon States and non-nuclear-weapon States based on the shared interest in preventing nuclear proliferation and not only considerably weaken one of the essential pillars of the Treaty but also erode the credibility of the Treaty as a whole.

8. Accordingly, the 2020 Review Conference should take the following actions:

(a) Affirm the inalienable right of all States parties to the Treaty to possess and develop nuclear technology for peaceful purposes and acknowledge the right of States parties to the Treaty to participate in the exchange of equipment, materials and scientific and technological information;

(b) Urge States parties to the Treaty, especially developed countries, to increase IAEA resources and strengthen the Agency's technical and financial capabilities by endowing it with adequate funding so that it can carry out its Technical Cooperation Programme to respond to the needs of developing countries;

(c) Confirm that States parties to the Treaty should refrain from imposing any restrictions or limitations on the transfer of nuclear material, equipment or technology to States parties that have a comprehensive safeguards agreement in force;

(d) Call for the enforcement, without exception or further delay, of the total and complete prohibition, as stipulated in the Treaty, of the transfer of all nuclear-related equipment, information, material, facilities, resources and devices and the extension of assistance in the nuclear, scientific or technological fields to States that are not parties to the Treaty.

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Strengthening nuclear safety

Working paper submitted by Switzerland

Introduction

1. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted an action plan containing several actions on strengthening nuclear safety:

- **Action 57:** Ensure that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by commitments to and ongoing implementation of safeguards as well as appropriate and effective levels of safety and security, consistent with States' national legislation and respective international obligations.
- **Action 59:** Consider becoming party, if they have not yet done so, to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material, and to ratify its amendment so that it may enter into force at an early date.
- **Action 60:** Promote the sharing of best practices in the area of nuclear safety and security, including through dialogue with the nuclear industry and the private sector, as appropriate.

2. Switzerland considers that these actions still remain valid for the two following reasons. First, the 2010 Review Conference was the last time that an outcome document was approved unanimously by all States parties. Second, the continuous efforts to strengthen nuclear safety are not limited in time and should be further reinforced, taking into account the developments and progress made since 2010. The peaceful use of nuclear energy goes hand in hand with the responsibility of States with regard to nuclear safety. The accident in March 2011 at the Fukushima Daiichi nuclear power plant reminded stakeholders of this imperative and was a wake-up call for all. Since the accident, nuclear safety has gained large international attention, and the International Atomic Energy Agency (IAEA) is expected to play a leading role in

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contributing to the enhancement of the safety of nuclear installations worldwide. In order to fulfil this important task, the development of an underlying nuclear safety strategy, based on the IAEA Action Plan on Nuclear Safety and the experience of its implementation by IAEA member States, the IAEA report on the Fukushima Daiichi nuclear power plant accident and the Vienna Declaration on Nuclear Safety, is fundamental.

Elements for strengthening nuclear safety

3. In order to further enhance nuclear safety worldwide, Switzerland suggests the following elements for consideration by States parties.

Continuous improvement of nuclear safety

4. **Proposal:** Switzerland encourages States parties to implement in a timely manner and to report regularly through the appropriate framework on reasonably practicable or achievable safety improvements to existing nuclear power plants.

5. **Rationale:** Through the adoption of the Vienna Declaration on Nuclear Safety in 2015, the international community has manifested its commitment to continuing to improve the safety of nuclear power plants around the world. Switzerland initiated the process leading to the adoption of the Vienna Declaration and continues to play an important role in its incorporation as the new reporting standard for future review meetings of the Convention on Nuclear Safety. At the seventh Review Meeting of the Convention, held in 2017, the commitment of Contracting Parties to the Convention to the implementation of the Vienna Declaration was reaffirmed. This ensures that the Vienna Declaration remains a reference document for future review processes within the Convention. For its part, IAEA must also play a vital role in further promoting the universalization of the principles of the Vienna Declaration. This was clearly underlined in the resolution on nuclear safety, adopted in 2017, at the sixty-first IAEA General Conference, in which member States encouraged the IAEA to further enhance the mutual sharing of experience and information exchange in the field of safety improvements at existing nuclear power plants.

6. In the Vienna Declaration, it is stated that "reasonably practicable or achievable safety improvements are to be implemented in a timely manner". This concept should apply to all aspects of nuclear safety, including comprehensive and systematic safety assessments to be carried out before the construction and commissioning of a nuclear installation and throughout its lifetime. Such assessments should be well documented and updated with respect to the following aspects: operating experience, hazard assumptions, which are reconsidered according to the state of the art in science and technology, and other significant new safety information. In addition, the safety assessments should be reviewed regularly under the authority of the regulatory body. For existing reactors, where a modern standard or good practice associated with new reactors is not directly applicable or cannot be implemented fully, alternative safety or risk reduction measures (design and/or operation) to prevent or mitigate large or early radioactive releases should be sought and implemented.

Effective independence of the regulatory body

7. **Proposal:** Switzerland encourages States parties to establish a regulatory body entrusted with the implementation of the legislative and regulatory framework and provided with the adequate authority, competence and financial and human resources to fulfil its assigned responsibilities. Switzerland further encourages States parties to take the appropriate steps to ensure an effective separation of the functions of the

regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy.

8. **Rationale:** The importance of regulatory independence is recognized in the Convention on Nuclear Safety and the IAEA safety requirements on legal and governmental infrastructure for safety. It was highlighted again as a major lesson learned from the accident at Fukushima Daiichi. Both documents address the establishment of a regulatory body and the need for its separation, or independence, from the promoters of nuclear technology. The primary reason for this separation is to ensure that regulatory judgments can be made, and enforcement actions taken, without pressure from interests that may conflict with safety. Furthermore, the credibility of the regulatory body in the eyes of the general public depends in large part upon whether the regulatory body is regarded as being independent of the organizations that it regulates, as well as independent of government agencies or industry groups that promote nuclear technologies. Effective regulatory independence includes the following aspects:

(a) **Political independence:** The political system should ensure the clear and effective separation of the responsibilities (duties) of the regulatory body and those of organizations responsible for the development of nuclear technologies. The regulatory body should not be subject to political influence or pressure in taking safety decisions;

(b) **Legislative independence:** In the legislative framework of a national regulatory system (e.g., atomic laws or decrees), the role, competence and independence of the regulatory body with respect to safety should be defined. The regulatory body should have the authority to adopt or develop safety regulations that implement laws passed by the legislature. The regulatory body should also have the authority to take decisions, including enforcement actions. There should be a formal mechanism for appealing regulatory decisions, with predefined conditions that must be met for an appeal to be considered. The regulatory body should have the responsibility for adopting or developing safety regulations that implement laws passed by the legislature;

(c) **Financial independence:** The regulatory body should be provided with adequate authority and power, and it should be ensured that it has adequate staffing and financial resources to discharge its assigned responsibilities;

(d) **Competence-based independence:** The regulatory body should have independent technical expertise in the areas relevant to its safety mission. The management within the regulatory body should, therefore, have the responsibility and authority to recruit staff with the skills and technical expertise considered necessary to carry out the regulatory functions. In addition, the regulatory body should maintain awareness of the state of the art in safety technology;

(e) **Information provided to the public:** The regulatory body should have the authority to communicate independently its regulatory requirements, decisions and opinions and their basis to the public, in a timely and comprehensible manner;

(f) **International independence**: The regulatory body should have the authority to liaise with regulatory bodies of other countries and with international organizations in order to promote cooperation and the exchange of regulatory information.

Peer reviews and sharing of best practices

9. **Proposal:** Switzerland encourages States parties to undertake periodic international peer review missions and strengthen international, regional and bilateral cooperation.

10. **Rationale:** In the field of nuclear safety, the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management are the only internationally legally binding instruments that enable contracting parties to review their nuclear safety approaches and strengthen nuclear safety worldwide. Since its entry into force, the Convention has undergone various developments with regard to its review process. One of the major developments took place at the sixth Review Meeting, in 2014, in which contracting parties committed themselves to not only holding a diplomatic conference in 2015 for discussions on an amendment to article 18 of the Convention, proposed by Switzerland, but also to increasing transparency, strengthening the effectiveness of the Convention and making the review process more rigorous. It was not possible at that time to reach consensus on amending the Convention, however, the Vienna Declaration on Nuclear Safety, as a consensual political commitment by all contracting parties to the Convention, was adopted. Meanwhile, the Vienna Declaration has become a reference document in the continuous efforts to strengthen nuclear safety, not only within the Convention but worldwide. This has been demonstrated within the Convention review process, in the resolutions on nuclear safety adopted since 2015 by the General Conference of IAEA and in the Agency's safety standards.

11. In order to enhance nuclear safety worldwide, the sharing of best practices and lessons learned among States parties is essential. Thus, States parties should recommit themselves to periodically and regularly hosting international peer review missions regarding the functions of the regulatory body and the design, construction and operation of nuclear power plants. The measures identified should be implemented in a timely manner and communicated in a transparent way.

Interface between nuclear safety and security

12. **Proposal:** Switzerland encourages States parties to design and implement safety and security measures in an integrated manner so that security measures do not compromise safety and safety measures do not compromise security.

13. **Rationale:** Switzerland believes that nuclear safety and security serve the same purpose, namely, to protect the population and the environment from the harmful effects of ionizing radiation. For this reason, the development of a common culture of nuclear safety and security is important. This can be achieved through the establishment of a single regulatory agency responsible for both sets of requirements, thereby helping to ensure compatibility and coordination. Any number of situations may give rise to safety-security interface issues, such as changes in the conditions of facilities or activities, procedural changes, process changes, the installation of items and so on. The most important aspect of addressing nuclear safety-security interfaces is to establish management systems or procedures that allow for identifying such interfaces and the development of solutions that satisfy the requirements or guidance for both safety and security. This should be an inherent element of the safety and security culture of each State party.

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Addressing "Vienna issues": the Comprehensive Nuclear-Test-Ban Treaty; compliance and verification; export controls; cooperation in the peaceful uses of nuclear energy; nuclear safety; nuclear security; and discouraging withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (the Vienna Group of Ten)

1. The Vienna Group of Ten reconfirms its full commitment to the Treaty on the Non-Proliferation of Nuclear Weapons. The Non-Proliferation Treaty is the cornerstone of the international nuclear disarmament and non-proliferation regime and fundamentally contributes to international peace, stability and security. The Vienna Group of Ten places great importance on the universalization of the Treaty, and encourages all States that have not yet acceded to the Treaty to do so as soon as possible.

2. The Non-Proliferation Treaty plays a unique role in providing a framework that fosters international confidence and cooperation in the peaceful uses of nuclear energy. By aiming to ensure that nuclear materials, equipment, technology and facilities do not contribute to nuclear proliferation, the Treaty creates the necessary basis for peaceful nuclear cooperation and transfer.

3. Full and universal implementation of the Non-Proliferation Treaty remains essential to facilitating the peaceful use of nuclear applications in a growing range of areas. To this end, and highlighting the ongoing relevance and importance of the Treaty, over 140 International Atomic Energy Agency (IAEA) member States, including 35 least developed countries, have engaged in technical cooperation with IAEA. In addition, important efforts have been undertaken in the lead-up to, during and following the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including the advancement of the 64-point action plan on nuclear disarmament from the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and continued high-level

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focus on nuclear testing, the peaceful uses of nuclear energy and nuclear safety and security.

4. The lack of a consensus outcome at the 2015 Review Conference, together with limited progress on the implementation of nuclear disarmament commitments, the lack of universality and non-compliance challenges, however, test confidence in the Non-Proliferation Treaty. Given these challenges, it is imperative that discussions at the Preparatory Committee are conducted in a spirit of cooperation and help support the continued strengthening of the Treaty. The eight reflections of the Chair of the 2017 session of the Preparatory Committee can serve as a reference point in that regard.

5. The three pillars of the Non-Proliferation Treaty remain equally important and mutually reinforcing. The Vienna Group of Ten calls on all States, including those outside of the Treaty, to redouble their efforts to realize the fundamental goals of the Treaty, including full and irreversible disarmament.

6. The Vienna Group of Ten emphasizes the importance of promoting the equal, full and effective participation of both women and men in nuclear non-proliferation, nuclear disarmament and the peaceful use of nuclear energy.

7. We welcome the ongoing multilateral work of the International Partnership for Nuclear Disarmament Verification to develop credible measures and build global capacity for verifying nuclear disarmament. We also welcome the establishment by the United Nations of the Group of Governmental Experts on Nuclear Disarmament Verification and look forward to considering its recommendations.

8. We further highlight the important complementary roles of a fissile material cut-off treaty, inter alia, as a quantitative control on nuclear weapons proliferation, and the Comprehensive Nuclear-Test-Ban Treaty. The Vienna Group of Ten therefore strongly supports the work of the high-level fissile material cut-off treaty expert preparatory group and looks forward to its conclusions in the coming months. As one of the 13 practical steps agreed in 2000 and reaffirmed in action 15 of the 2010 action plan, the conclusion of a fissile material cut-off treaty is vital to the Non-Proliferation Treaty and would constitute a core element of the nuclear disarmament and non-proliferation regime. We urge all States that have not yet done so to implement a moratorium on fissile material production for nuclear weapons or other nuclear explosive purposes.

9. The present working paper aims to ensure that the so-called "Vienna issues" listed in the title of the paper are given appropriate weight during the work of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in 2018. In this regard, we would welcome the opportunity offered by the 2018 meetings of the Preparatory Committee to States parties in developing an outcomes document that can further be built upon with the goal of contributing to the 2020 Review Conference.

10. **The Vienna Group of Ten proposes that the Preparatory Committee submit the following draft recommendations to the 2020 Review Conference:**

On the Comprehensive Nuclear-Test-Ban Treaty, that the Review Conference:

(1) *Affirm* that the Comprehensive Nuclear-Test-Ban Treaty is vital to the Non-Proliferation Treaty and constitutes a core element of the nuclear disarmament and nuclear non-proliferation regime;

(2) *Underline* that the entry into force of the Comprehensive Nuclear-Test-Ban Treaty is of the utmost urgency as it will provide the global community with a permanent, non-discriminatory, verifiable and legally binding commitment to

end any nuclear weapon test explosion or any other nuclear explosion, as a means to constrain the development and qualitative improvement of nuclear weapons, which combats both horizontal and vertical nuclear proliferation;

(3) *Urge* all States that have not yet done so to sign and/or ratify the Comprehensive Nuclear-Test-Ban Treaty without delay, in particular those remaining eight Annex 2 States necessary for the Comprehensive Nuclear-Test-Ban Treaty's entry into force;

(4) *Urge* States signatories to promote adherence to the Treaty through bilateral and joint outreach, seminars and other means;

(5) *Urge* all States to acknowledge the global de facto norm against nuclear testing and to maintain the moratorium on explosive nuclear tests, and refrain from any action that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty, pending its entry into force;

(6) *Urge* all States to support the development of the Comprehensive Nuclear-Test-Ban Treaty's verification regime, which is vital to the effectiveness of the Treaty and to maintaining the norm that existing signatures and ratifications establish against nuclear testing;

(7) *Urge* States signatories to support the work of the Provisional Technical Secretariat to ensure that the technical aspects of the Comprehensive Nuclear-Test-Ban Treaty Organization's work continue to move ahead so that the verification regime shall be capable of monitoring compliance with the Treaty at its entry into force and to sustain political progress towards entry into force;

(8) *Urge* States signatories to support the work of the Provisional Technical Secretariat to accelerate the completion of the International Monitoring System.

On compliance and verification, that the Review Conference:

(9) *Underline* the importance of building and maintaining confidence in the peaceful nature of nuclear activities in non-nuclear-weapon States;

(10) *Call for* the universal application of IAEA safeguards, and call on all States to submit all relevant materials and activities, both current and future, to IAEA safeguards;

(11) *Urge* all States parties to the Non-Proliferation Treaty that have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;

(12) *Recognize* the Additional Protocol as a long-standing and integral part of the IAEA safeguards system, affirm that a comprehensive safeguards agreement, together with an additional protocol, represents the current verification standard pursuant to article III (1) of the Treaty, and urge all States parties that have not yet done so to conclude and bring into force an additional protocol as soon as possible;

(13) *Urge* all States to cooperate fully with IAEA in implementing safeguards agreements and in expeditiously addressing anomalies, inconsistencies and questions identified by IAEA in order to assist IAEA in drawing its annual safeguards conclusions with respect to the correctness and completeness of States' declarations;

(14) *Call on* all States currently in non-compliance with their Non-Proliferation Treaty safeguards obligations to remedy such non-compliance forthwith and move promptly to return to compliance with all of their Treaty safeguards obligations;

(15) *Note* that, in order to draw credible safeguards conclusions, IAEA needs the full cooperation of States in the implementation of their safeguards agreements, including through the provision by States of early design information;

(16) *Welcome* the efforts of IAEA to apply the State-level concept to all States with a safeguards agreement in force, as part of the continuing evolution of the safeguards system necessary to increasing its effectiveness and efficiency.

On export controls, that the Review Conference:

(17) *Reaffirm* that all States parties to the Non-Proliferation Treaty are responsible for ensuring that their nuclear-related exports do not directly or indirectly assist in the development of nuclear weapons or other nuclear explosive devices and that such exports are conducted in full conformity with the objectives and undertakings of the Treaty;

(18) *Urge* all States to apply in their export controls the Understandings of the Zangger Committee, which are designed to implement the obligations under article III of the Treaty, and to further make use of relevant multilaterally agreed upon export control Guidelines and Understandings;

(19) *Stress* that effective export controls are central to enabling cooperation in the peaceful uses of nuclear energy;

(20) *Recognize* that sound domestic laws and regulations are a prerequisite to effective implementation of export controls;

(21) *Reaffirm* that the list of items triggering IAEA safeguards and the procedures for implementing control of these items, in accordance with article III (2) of the Treaty, should be reviewed regularly to take into account advances in technology, their proliferation sensitivity and changes in procurement practices;

(22) *Welcome* States parties' increasing adherence to the Understandings of the Zangger Committee and Guidelines of the Nuclear Suppliers Group relating to export control, encourage further progress in this regard, and call on all States parties to examine opportunities offered by the increasing adherence to export control regimes with a view to strengthening the global nuclear disarmament and non-proliferation regime;

(23) *Reaffirm* that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of full-scope IAEA safeguards, and urge all States to require an additional protocol based on the model INFCIRC/540 (Corrected) as a condition for new supply arrangements.

On cooperation in the peaceful uses of nuclear energy, that the Review Conference:

(24) *Acknowledge* the inalienable right, under article IV of the Non-Proliferation Treaty, of all States parties to undertake the research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III, recognizing the benefits that can be obtained from the peaceful applications of nuclear energy and nuclear techniques;

(25) *Stress* that adherence to, and compliance with, the non-proliferation and verification requirements of the Treaty are preconditions for cooperation in this field;

(26) *Stress* the importance of implementing the highest levels of safety and security at all stages of the nuclear fuel cycle and in the peaceful use of nuclear energy;

(27) *Underline* the essential role of IAEA in assisting developing States parties in engaging in the peaceful applications of nuclear energy and nuclear techniques, including through its Technical Cooperation Programme, as well as the further development of instruments, standards and codes of conduct to ensure human safety and security and environmental protection;

(28) *Emphasize* the important role that nuclear applications can play in realizing the goals of the 2030 Agenda for Sustainable Development, and note that the Sustainable Development Goals of States parties can provide a framework for tangible results to which the IAEA Technical Cooperation Programme, as a useful vehicle for technology transfer, can make an important contribution.

On nuclear safety, that the Review Conference:

(29) *Emphasize* the importance for States and international organizations to continue to take active steps to enhance safety measures for all fuel cycle activities;

(30) *Underline* that measures to strengthen nuclear safety facilitate international cooperation in the field of peaceful nuclear activities and the production, transfer and use of nuclear and other radioactive material;

(31) *Encourage* all States to become party to the Convention on Nuclear Safety, and encourage contracting parties to fulfil their obligations under the Convention;

(32) *Encourage* all States to become party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and encourage contracting parties to fulfil their obligations under the Joint Convention;

(33) *Encourage* all States to implement the principles of the Vienna Declaration on Nuclear Safety to prevent accidents with radiological consequences and mitigate such consequences should they occur;

(34) *Underline* the central role of IAEA in enhancing the global nuclear safety regime, and in sharing and encouraging the application of lessons learned from the accident at the Fukushima Daiichi nuclear power plant;

(35) *Emphasize* the importance of States continuing to take active steps to respond to the observations and lessons contained in the report by the IAEA Director General on the Fukushima Daiichi accident to identify further scope for enhancing nuclear safety;

(36) *Encourage* all States to address regulatory effectiveness and transparency, operational safety, design safety and emergency preparedness and response by hosting IAEA review missions on a regular basis, and to share publicly the outcomes in order to further strengthen the safety of nuclear and radioactive material worldwide;

(37) *Emphasize* the need for States embarking on nuclear energy programmes to develop adequate national technical, human and regulatory infrastructure to

ensure safety, security and safeguards for all fuel cycle activities in line with international conventions, standards, guidelines and recommendations, as appropriate, at a very early stage of the process;

(38) *Emphasize* also the importance for all States embarking on nuclear power programmes to plan in early stages for the secure, safe and safeguarded management of spent fuel and radioactive waste;

(39) *Highlight* the importance of environmental safety considerations in nuclear power programme design, construction, operation, decommissioning and disposal activities;

(40) *Emphasize* the importance for all States, in particular those with nuclear fuel cycle activities, to become party to all conventions and agreements relevant to safety and security and support the further development, as necessary, of legally binding instruments to ensure a better global safety and security framework;

(41) *Underline* the importance of international cooperation to enhance the safety of the transportation of nuclear and radioactive material, including through the use of best practice guidelines for systematic communications in relation to the safe maritime and other transport of radioactive material;

(42) *Welcome* the IAEA guidance on the management of radioactive sources throughout their life cycle, including for disused sources.

On nuclear security, that the Review Conference:

(43) *Underline* the importance of effective nuclear security, including both physical protection and cybersecurity of all nuclear and other radioactive materials, including those materials used for military purposes and related facilities, and emphasize the need for all States to achieve and maintain the highest standards of such nuclear security;

(44) *Recognize* the constantly evolving threat of nuclear and radiological terrorism and the risk of acquisition of materials by non-State actors, and highlight the need to take measures to identify and address new and evolving challenges and threats to the security of nuclear and radioactive material and related facilities;

(45) *Call on* States that possess nuclear weapons to undertake voluntary measures to increase transparency and confidence in the effectiveness of security for military nuclear materials;

(46) *Affirm* the central role of IAEA in strengthening the nuclear security framework globally and in coordinating international nuclear security activities;

(47) *Underline* that measures to strengthen nuclear security facilitate international cooperation in the field of peaceful nuclear activities and the promotion of peaceful uses of nuclear energy, as nuclear security is essential to the responsible production, storage, transfer and use of nuclear and other radioactive material and the exchange of nuclear material for peaceful purposes;

(48) *Call on* States to ensure that IAEA has reliable and sufficient technical, financial and human resources to sustainably and predictably undertake its nuclear security-related activities;

(49) *Call for* the acceleration of efforts to develop and implement an effective and comprehensive global nuclear security framework based on prevention, detection and response;

(50) *Encourage* States that have not yet done so to become party to the Convention on the Physical Protection of Nuclear Material and the 2005 Amendment thereto as soon as possible, and encourage all States parties to the Convention and the 2005 Amendment thereto to fully implement their obligations thereunder;

(51) *Urge* all States that have not yet done so to sign and ratify the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible, and encourage all States parties to the Convention to fully implement their obligations thereunder;

(52) *Encourage* States to subscribe to the Joint Statement on Strengthening Nuclear Security Implementation (INFCIRC/869), and to meet the essential elements of a nuclear security regime and to commit to the effective and sustainable implementation of the principles therein;

(53) *Call on* States to subscribe, where relevant, to joint commitments aimed at further strengthening aspects of nuclear security;

(54) *Highlight* the importance of maintaining effective transport security;

(55) *Encourage* States to use IAEA guidance to expand efforts to strengthen preventive and protective measures against insider threats at nuclear facilities, including through the development and use of effective nuclear material accountancy and control systems;

(56) *Encourage* States to host IAEA advisory services relevant to nuclear security on a recurrent basis, and establish and implement, with IAEA, as appropriate, Integrated Nuclear Security Support Plans in order to improve nuclear security at the national level and as a contribution to strengthening the global nuclear security framework. States are also encouraged to share experience gained in improving their nuclear security and to support International Physical Protection Advisory Service missions by providing experts and/or financial support, where feasible;

(57) *Note* with serious concern the threat posed by the illicit trafficking in nuclear and other radioactive material, equipment and technology;

(58) *Recognize* the increased need for all States parties to reinforce their efforts on improving existing cooperation mechanisms, including through membership in and information-sharing through the IAEA Incident and Trafficking Database;

(59) *Encourage* States to further minimize highly enriched uranium stocks and to further minimize their use, including by converting radioisotope production to low-enriched uranium fuel and targets or by using other non-highly enriched uranium technologies, taking into account the need for an assured and reliable supply of medical isotopes;

(60) *Encourage* States to keep their stockpiles of separated plutonium to the minimum amount possible consistent with their national requirements;

(61) *Highlight* the importance of nuclear forensics as an essential component of an effective nuclear security architecture, and encourage States to develop and enhance nuclear forensics capabilities;

(62) *Welcome* the work of IAEA in raising awareness of the potential impact on nuclear security of cyberattacks, and the provision of guidance and assistance to IAEA member States in enhancing computer security and information security;

(63) *Welcome* contributions by the United Nations and the International Criminal Police Organization (INTERPOL) to strengthening global nuclear security;

(64) *Welcome* nuclear security-related initiatives, such as the Global Initiative to Combat Nuclear Terrorism, the Proliferation Security Initiative, the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, the Nuclear Security Contact Group and the Nuclear Industry Steering Group for Security, and encourage active participation in these initiatives;

(65) *Welcome* the outcomes of the 2016 comprehensive review conducted by the Security Council Committee established pursuant to resolution 1540 (2004) (S/2016/1038), and further welcome efforts to universalize the implementation of Security Council resolution 1540 (2004);

(66) *Call on* States to establish competent and well-coordinated independent authorities to detect and respond to criminal or unauthorized acts involving any nuclear or other radioactive material that is out of regulatory control.

On discouraging withdrawal from the Non-Proliferation Treaty, that the Review Conference:

(67) *Affirm* the unique role the Non-Proliferation Treaty plays in providing a framework that fosters international confidence and cooperation in the peaceful uses of nuclear energy;

(68) *Note* that withdrawal from the Treaty carries inherent risks to non-proliferation efforts and could constitute a threat to international peace and security;

(69) *Agree* that exercise of the right of withdrawal under article X of the Treaty be governed by the following principles:

(a) Withdrawal is a right for States parties governed by article X of the Treaty, which sets out that the right can only be exercised in the face of extraordinary events related to the subject matter of the Treaty, can only be exercised following notice to all other States parties and the Security Council three months in advance, and that such notice must include a statement of the extraordinary events the withdrawing State regards as having jeopardized its supreme interest;

(b) This right is governed by international law; the withdrawing State is still liable for violations of the Treaty perpetrated prior to withdrawal;

(c) Withdrawal should not affect any right, obligation or legal situation between the withdrawing State and each of the other States parties created through implementation of the Treaty prior to withdrawal, including those related to IAEA safeguards;

(d) Every diplomatic effort should be made to persuade the withdrawing State to reconsider its decision, including by addressing its legitimate security needs and encouraging regional diplomatic initiatives;

(e) All nuclear materials, equipment and technology acquired by a State party under article IV prior to withdrawal must remain under IAEA safeguards or fallback safeguards even after withdrawal;

(f) Nuclear-supplying States should be encouraged to exercise their right — in accordance with international law and their national legislation — to incorporate dismantling and/or return clauses or fallback safeguards in the event of withdrawal into contracts or other arrangements concluded with the withdrawing State, and to adopt standard clauses for this purpose.

Background note 1: the Comprehensive Nuclear-Test-Ban Treaty

1. The Comprehensive Nuclear-Test-Ban Treaty was an integral part of the 1995 decision to indefinitely extend the Non-Proliferation Treaty and constitutes a core element of the nuclear disarmament and nuclear non-proliferation regime. Once in effect, it will provide the global community with a permanent, non-discriminatory, verifiable and legally binding commitment to end any nuclear weapon test explosion or any other nuclear explosions. It constrains the development of nuclear weapons and their qualitative improvement, which combats both horizontal and vertical nuclear proliferation. The provisions of article V of the Non-Proliferation Treaty should be interpreted in this light.

2. More than two decades have passed since the Comprehensive Nuclear-Test-Ban Treaty was opened for signature. Although the Treaty has yet to come into force, the nuclear test moratorium has become a de facto international norm. However, as was recognized in the eighth Joint Ministerial Statement on the Comprehensive Nuclear-Test-Ban Treaty, entry into force of the Treaty remains our urgent goal due to its permanent and legally binding effect. Progress has been made towards ratification, and continued efforts are under way to that end: the Treaty has now been signed by 183 States, and of those 166 have ratified it, including 36 whose ratification is necessary for entry into force. Recalling the 2000 and 2010 Review Conferences, including the 2010 action plan on nuclear disarmament, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty remains of the utmost urgency.

3. The international community has repeatedly reaffirmed its commitment to the Comprehensive Nuclear-Test-Ban Treaty and highlighted the importance of its earliest possible entry into force, most recently in the final declaration adopted at the tenth Article XIV Conference, held in New York in September 2017. This Conference, which discussed concrete measures to facilitate the urgent entry into force of the Treaty, set out the commitment of States signatories to take concrete and actionable steps towards early entry into force and universalization of the Treaty. The Security Council, in its resolution 2310 (2016), also recognized that early entry into force of the Treaty would constitute an effective nuclear disarmament and non-proliferation measure that would contribute to the achievement of a world without nuclear weapons. In its resolution, the Council urged all States that had either not signed or not ratified the Treaty, particularly the eight remaining Annex 2 States, to do so without further delay.

4. Pending the Comprehensive Nuclear-Test-Ban Treaty's entry into force, States should refrain from any action that would defeat its object and purpose. Development of new types of nuclear weapons, for example, may result in the resumption of tests and a lowering of the nuclear threshold. The existing moratorium on nuclear weapon test explosions and any other nuclear explosions must be maintained, but cannot serve as a substitute for ratifying the Treaty.

5. Only the Democratic People's Republic of Korea has acted contrary to the moratorium in the twenty-first century, by conducting nuclear tests in 2006, 2009, 2013, twice in 2016 and most recently on 3 September 2017. We joined the international community in strongly condemning these tests, which undermine the international non-proliferation regime and the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty. The events further underlined the urgent need for entry into force of the Treaty and the relevance and effectiveness of a universal and effective international monitoring and verification system for detecting nuclear explosions.

6. The Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission is making good progress in building the system to verify compliance

with the Treaty at its entry into force. The goal of this work should be an effective, reliable, participatory and non-discriminatory verification system with global reach. All major components of the verification system, including the capability to conduct an on-site inspection, should be ready to meet the verification requirements of the Treaty by the time of its entry into force. Data from the international monitoring and verification system should also continue to be used for civil and scientific purposes, especially in the context of natural disasters and other emergency situations, as well as climate change, including further cooperation with other international organizations in this regard.

7. There are a number of outreach activities that promote the signature and ratification of the Treaty, including the Group of Eminent Persons and the Comprehensive Nuclear-Test-Ban Treaty Organization Youth Group, as well as bilateral and regional outreach activities undertaken by States signatories. Extensive training courses and conferences also contribute to enhanced awareness of the Treaty, help enable States signatories to fulfil their verification responsibilities and address possible technical, scientific and legal challenges. Since 2010, focused activities have been undertaken to build the capacity of experts from developing countries and to expand the roster of qualified inspectors and surrogate inspectors.

Background note 2: compliance and verification

1. Full compliance with all the provisions of the Non-Proliferation Treaty, including with relevant safeguards agreements, underpins the integrity of the Treaty. IAEA safeguards are fundamental to the nuclear non-proliferation regime and help create an environment conducive to nuclear cooperation.

2. Article III (1) of the Treaty requires non-nuclear-weapon States parties to accept safeguards on all source and special fissionable material in all peaceful nuclear activities. A State's comprehensive safeguards agreement, based on IAEA document INFCIRC/153 (Corrected), requires the State to account for and control all nuclear material subject to safeguards and to provide the required design information and reports to IAEA. IAEA, as the competent authority designated under article III, verifies the correctness and completeness of a State's declarations in order to provide assurances of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

3. Credible assurances regarding the absence of undeclared nuclear material and activities require that a comprehensive safeguards agreement be complemented by an additional protocol based on IAEA document INFCIRC/540 (Corrected). Implementation of an additional protocol provides increased confidence about a State's compliance with its Treaty obligations and is an integral part of the IAEA safeguards system, as it grants IAEA the tools needed to draw credible conclusions on the absence of undeclared nuclear materials and activities. The combination of a comprehensive safeguards agreement and an additional protocol represents the current verification standard pursuant to article III (1) of the Treaty. The comprehensive safeguards agreement and additional protocol together allow for the application of integrated safeguards, that is, the implementation of efficiency measures without compromising safeguards effectiveness in States where IAEA is confident there is an absence of undeclared nuclear materials and activities.

4. All States parties that have not yet done so should conclude and implement comprehensive safeguards agreements. A total of 148 States have signed an additional protocol, and such protocols are in force for 132 States. Those States that have not yet done so should bring into force additional protocols without further delay, and all States should submit all nuclear material and activities, both current and future, to IAEA safeguards.

5. The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the follow-up Review Conference in 2010 confirmed that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by IAEA policymaking organs aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

6. The IAEA State-level concept represents progress towards a more effective and efficient safeguards system that adheres fully to the principles of non-discriminatory, technical, objectives-based safeguards implementation.

7. All States should cooperate fully with IAEA in implementing safeguards agreements and in expeditiously addressing anomalies, inconsistencies and questions identified by the Agency in order to assist it in reaching its annual safeguards conclusions, which are of critical importance in assessing States' compliance with their Non-Proliferation Treaty obligations. IAEA should continue to make full use of all tools at its disposal to draw conclusions and resolve safeguards issues.

8. In order to draw well-founded safeguards conclusions, IAEA needs to receive early design information, in accordance with the 1992 decision of the IAEA Board of

Governors (IAEA document GOV/2554/Attachment 2/Rev.2), which outlines the need for all non-nuclear-weapon States parties to provide this information to the Agency on a timely basis.

9. States should undertake consultations with IAEA early in the design process for new nuclear facilities to ensure that aspects relevant to safeguards are taken into consideration in order to facilitate future safeguards implementation, from their initial planning stage through design, construction, operation and decommissioning.

10. Any State party that does not comply with its safeguards obligations under the Non-Proliferation Treaty isolates itself from the benefits of constructive international relationships and from the benefits that accrue from adherence to the Treaty, including from cooperation in the peaceful uses of nuclear energy, until it enters into full compliance. The Group of Ten calls on those States that are currently non-compliant to move promptly to full compliance with their obligations, in particular:

- The Democratic People's Republic of Korea. The nuclear weapons programme of the Democratic People's Republic of Korea, including nuclear tests in 2006, 2009, 2013, 2016 and 2017, remains a serious challenge to the international nuclear non-proliferation regime. The Democratic People's Republic of Korea must comply with its Non-Proliferation Treaty obligations and allow for the return of IAEA inspectors and the reintroduction of IAEA safeguards.
- The Syrian Arab Republic. The finding by the IAEA Board of Governors in 2011, that the country's undeclared construction of a nuclear reactor at Dair Alzour and its failure to provide design information for this facility constitutes non-compliance with obligations under its safeguards agreement, remains a concern. The Syrian Arab Republic must remedy its non-compliance by cooperating fully with IAEA, including by providing full access to all sites and locations the Agency has requested.

11. In July 2015, the E3/EU+3 reached agreement with the Islamic Republic of Iran on the Joint Comprehensive Plan of Action. The full and ongoing implementation of the Plan, in which the Islamic Republic of Iran reaffirmed that it will under no circumstances ever seek, develop or acquire any nuclear weapons, contributes to building confidence in the exclusively peaceful nature of that country's nuclear programme, as would the early ratification of an additional protocol to its safeguards agreement with IAEA. Verification is fundamental to the Plan, and IAEA is responsible for monitoring and verifying Iranian implementation of its nuclear commitments. IAEA will continue to need significant extrabudgetary contributions over the lifetime of the Plan in order to fulfil this role, and member States should consider making voluntary contributions to support the IAEA efforts in this area.

Background note 3: export controls

1. Export controls aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, an unsafeguarded nuclear fuel cycle activity or acts of nuclear terrorism, and that international trade and cooperation in the nuclear field, under article IV of the Non-Proliferation Treaty, is not hindered unduly in the process. Nuclear export controls are a legitimate, necessary and desirable means of implementing the obligations of States parties under article III of the Treaty.

2. The existence of extensive covert networks for the procurement and the supply of sensitive nuclear equipment and technology underlines the need for all States to exercise vigilance in countering nuclear proliferation, including through the strict implementation of national nuclear export control policies. States should have in place adequate laws and regulations so that they can effectively implement export controls.

3. There is a clear relationship between the non-proliferation obligations as set out in articles I, II and III of the Non-Proliferation Treaty and the objectives for peaceful uses set out in article IV of the Treaty. Nothing in the Treaty should be interpreted as affecting the inalienable right of all States parties to the Treaty to undertake research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. Recipient States have an obligation to exercise appropriately stringent controls to prevent nuclear proliferation.

4. The Understandings of the Zangger Committee (INFCIRC/209, as amended) provide important guidance to States parties in meeting their obligation under article III (2) of the Non-Proliferation Treaty. They include a list of items triggering IAEA safeguards for exports to States not party to the Treaty.

5. The Nuclear Suppliers Group Guidelines (INFCIRC/254, as amended) play an important and useful role in the development of national export control policies and contribute to the international non-proliferation regime.

6. The list of items triggering IAEA safeguards and the procedures for implementing control of these items, in accordance with article III (2) of the Non-Proliferation Treaty, should be reviewed regularly so as to take into account advances in technology, proliferation sensitivity and changes in procurement practices.

7. Guidelines from export control regimes are finding increasing acceptance and application by national authorities and the number of States participating in these regimes continues to grow. All States parties should consider the opportunities offered by the increasing adherence to export control guidelines with a view to strengthening the global nuclear disarmament and non-proliferation regime.

8. In September 2008, a number of States parties participating in the Nuclear Suppliers Group granted an exception specific to India to the full-scope safeguards requirement in the Nuclear Suppliers Group's export control guidelines. This exemption was based on certain non-proliferation commitments and actions by India (INFCIRC/734 (Corrected)). Notwithstanding this decision, continuing importance is attached to the principle that new supply arrangements for the transfer of source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to non-nuclear-weapon States should require, as a necessary precondition, the acceptance of full-scope IAEA safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

9. All non-nuclear-weapon States parties to the Non-Proliferation Treaty have a legal obligation under article III of the Treaty to accept IAEA safeguards. As a comprehensive safeguards agreement, together with an additional protocol, represents the verification standard for the fulfilment of this obligation, this verification standard should be acknowledged and applied as a condition for all new supply arrangements to non-nuclear-weapon States. The additional protocol further contains important provisions related to reporting to IAEA on the export and import of nuclear-related equipment.

10. Before supplying nuclear material, sensitive equipment or technology, States parties have the responsibility to seek assurance that the recipient State has in place an effective and adequate national nuclear security regime. This regime comprises Non-Proliferation Treaty-related IAEA safeguards, an adequate system of physical protection, a minimum set of measures to combat illicit trafficking and rules and regulations for appropriate export controls in cases of retransfer.

Background note 4: cooperation in the peaceful uses of nuclear energy

1. For the purposes of article IV of the Non-Proliferation Treaty, "nuclear energy" embraces both power and non-power applications. All States parties to the Treaty have an inalienable right to undertake research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. States parties may choose individually not to exercise all their rights, or to exercise those rights collectively.

2. All States parties to the Non-Proliferation Treaty have undertaken to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material, services and scientific and technological information for the peaceful uses of nuclear energy in a safe and secure environment.

3. Nuclear applications play an essential role in areas such as human health, water management, agriculture, food safety and nutrition, energy and environmental protection. Nuclear applications can contribute to realizing the Sustainable Development Goals for all States parties.

4. IAEA plays an essential role, including through its Technical Cooperation Programme, in assisting States to build human and institutional capacities, including regulatory capabilities, for the safe, secure and peaceful application of nuclear science and technology. The upcoming international conference on nuclear science and technology to be held at ministerial level in 2018 will be an additional occasion for Member States to coordinate and cooperate with IAEA in promoting and furthering the peaceful uses of nuclear energy. The Agency's motto, "Atoms for Peace and Development", reflects its broad contribution in this regard. Over 140 countries take part in the Agency's Technical Cooperation Programme in pursuit of socioeconomic development. The Agency's Peaceful Uses Initiative is a flexible and efficient instrument which provides additional, extrabudgetary contributions to the Technical Cooperation Programme. We welcome the Agency's efforts to enhance the effectiveness and efficiency of these activities. Close cooperation among States parties, IAEA and international organizations, in particular those of the United Nations family, facilitates synergies and minimizes overlap. The Technical Cooperation Programme can help realize the goals of the 2030 Agenda for Sustainable Development.

5. The IAEA medium-term strategy provides important strategic guidance for the Technical Cooperation Programme. Based on the strategy, IAEA should identify priorities for each programme cycle. Continuing adherence to model project standards, expanded use of Country Programme Frameworks and full and timely payment of assessed voluntary contributions should be prerequisites for full receipt of technical cooperation. IAEA should assign greater priority to the needs of developing countries, and in particular those of the least developed countries, when planning its future activities. The implementation of the 2030 Agenda for Sustainable Development should serve as a guide for defining priority activities in support of the 17 Sustainable Development Goals.

6. Nuclear safety and nuclear security aim at preventing or mitigating accidental or deliberate harmful effects of radiation on people and the environment. They enable access to the peaceful uses of nuclear energy and are essential for maintaining public support for peaceful uses. When developing nuclear energy, including nuclear power, it remains important to ensure that the use of nuclear energy is accompanied by commitments to and ongoing implementation of safeguards as well as the highest levels of safety and security, including at all stages of the nuclear fuel cycle. We support implementation of standards, guidance and codes of conduct developed within the framework of IAEA, as well as relevant international legal instruments. The technical and appropriate regulatory infrastructure and a skilled workforce, as well as legislative frameworks and independent regulatory bodies, have to be in place when developing nuclear energy.

Background note 5: nuclear safety

1. Safety in all activities throughout the nuclear fuel cycle is a prerequisite for the peaceful uses of nuclear energy. Protection of the people and the environment can be achieved by ensuring the highest levels of nuclear and radiation safety, security and safeguards, including management of their interfaces. This requires continuous efforts to prevent complacency and ensure all elements of safety culture are maintained at the optimal level. Primary responsibility for the safety of nuclear installations rests with the operators. Individual States are responsible for establishing frameworks for safety, including ensuring that necessary national technical, human and regulatory infrastructure are in place. This may require States to invest in education and training programmes and seek technical cooperation and assistance.

2. Although responsibility for the nuclear safety framework rests with individual States, international cooperation, especially that led by IAEA, is vital for the exchange of knowledge and learning from best practices and experience. The international community has strengthened its focus on nuclear safety since the Fukushima Daiichi nuclear accident in 2011, including through: the adoption of the Declaration of the IAEA Ministerial Conference on Nuclear Safety; the High-level Meeting on Nuclear Safety and Security (hosted by the Secretary-General); the Action Plan on Nuclear Safety endorsed by the General Conference of IAEA in 2011; the Vienna Declaration on Nuclear Safety adopted by consensus in February 2015; and, published in August 2015, the report of the IAEA Director General on the Fukushima Daiichi accident. The report by the Director General on the Fukushima Daiichi accident highlighted 45 observations and lessons aimed at strengthening nuclear safety worldwide. All States with nuclear facilities are encouraged to host IAEA peer review missions on a regular basis and publicly share the outcomes in order to further strengthen nuclear safety worldwide.

3. It is also important for States that have nuclear fuel cycle activities and radioactive material to become party to all relevant conventions and to make the political commitments necessary to ensure a better global safety framework, including:

- The Convention on Nuclear Safety, which is of central importance for States operating, constructing or planning nuclear power reactors.
- The Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management, which allows for the coordination of efforts to develop and implement disposal and long-term storage solutions for spent fuel and waste.
- The Convention on Early Notification of a Nuclear Accident, and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out a framework for international cooperation and response, involving IAEA, should such an event occur.
- The various Conventions on civil liability for nuclear damage, which are important to ensure prompt compensation for damage.
- The Code of Conduct on the Safety of Research Reactors, which establishes best practice guidelines for the licensing, construction and operation of research reactors.
- The Code of Conduct on the Safety and Security of Radioactive Sources and its associated Guidance, which provide international requirements for the regulatory control of radioactive sources.

- The Regulations for the Safe Transport of Radioactive Material, which establish transport standards relating to the safety of persons, property and the environment.
- The observations and lessons of the report of the IAEA Director General on the Fukushima Daiichi accident, which should form the basis for continued efforts by the IAEA secretariat and member States. The Agency's Incident and Emergency Centre serves as its focal point for responding to nuclear or radiological incidents and emergencies and for promoting improvement in emergency response and preparedness.
- By taking full advantage of IAEA advisory services, including the IAEA Integrated Regulatory Review Service, to implement global best practice in nuclear safety regulation.

4. International cooperation is important in order to enhance the safety of international transportation of radioactive materials while respecting maritime and air navigation rights and freedoms under international law. It is in the interests of all States that maritime and other transportation of nuclear and radioactive materials continue to be conducted in compliance with international standards of safety, security and environmental protection. For this purpose, States, in coordination with IAEA and other international organizations, must assess and address any regulatory challenges arising from the deployment of new technologies in a timely manner, including, but not limited to, transportable nuclear power plants and small, medium and modular reactors.

5. A positive example of international cooperation in action is the practice of some shipping States and operators by which timely information and responses are provided to relevant coastal States to address safety and security concerns, including in the event of an accident, through the use of agreed best practice guidelines for systematic communications.

6. The IAEA secretariat's implementation of the Plan of Activities on the Radiation Protection of the Environment remains important. There should be further cooperation between IAEA and relevant international organizations and stakeholders in promoting a coherent international policy regarding the radiological protection of the environment. The United Nations Scientific Committee on the Effects of Atomic Radiation continues to provide a valuable contribution by assessing and reporting levels and effects of exposure to ionizing radiation. Many States rely on the Committee's estimates as the scientific basis for evaluating radiation risk and for establishing protective measures.

7. The IAEA International Expert Group on Nuclear Liability continues to undertake valuable work in examining the application and scope of the international nuclear liability regime and considering further specific actions to address any gaps in scope and coverage of the regime. The International Expert Group should continue to address outstanding issues as provided for in the Action Plan on Nuclear Safety and in the recommendations of the 2011 IAEA International Conference on the Safe and Secure Transport of Radioactive Material.

Background note 6: nuclear security

1. Since the last Non-Proliferation Treaty Review Conference, States have continued to stress the vital importance of nuclear security and the responsibility of States to maintain, at all times, effective security of all nuclear and other radioactive materials, including nuclear materials used in nuclear weapons, and nuclear facilities under their control.

2. The strong international commitment to strengthening nuclear security worldwide has been demonstrated by a number of important events and initiatives, such as:

- The broad consensus behind the Ministerial Declarations at the International Conferences on Nuclear Security convened by IAEA in 2013 and 2016.
- The implementation of the workplan adopted by the 2010 Nuclear Security Summit, and communiqués, gift baskets and action plans agreed upon at subsequent Summits in 2012, 2014 and 2016.
- A number of initiatives aimed at supporting nuclear security, including the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, the Global Initiative to Combat Nuclear Terrorism, the Proliferation Security Initiative, and the Nuclear Security Contact Group and the Nuclear Industry Steering Group for Security.

3. The central and essential role of IAEA in efforts to strengthen the global nuclear security framework, and in promoting and supporting its implementation and facilitating effective cooperation and coordination at the international and regional levels, is generally recognized and widely supported by a growing number of States. In implementing its Nuclear Security Plan for 2018–2021, IAEA can rely on their strong commitment to further improving nuclear security and strengthening the Agency's central role. There has also been a growing international recognition of the important role of nuclear industry in implementing and enhancing nuclear security.

4. In order to further strengthen nuclear security worldwide, the following concrete measures are of vital importance:

- In line with the *Nuclear Security Fundamentals* adopted by the IAEA Board of Governors, IAEA should continue to develop guidance through its Nuclear Security Series publications.
- Without altering the non-binding status of the IAEA Nuclear Security Series documents, States may commit themselves voluntarily and publicly to embed the IAEA recommendations into domestic rules and regulations by signing onto INFCIRC/869.
- States can also choose to commit to a number of recent initiatives that have been opened to the full IAEA membership through INFCIRCs, aimed at further strengthening aspects of nuclear security, including certified training for nuclear security management, supporting nuclear and radiological terrorism preparedness and response capabilities, developing national nuclear detection architectures, ensuring transport security of nuclear materials, mitigating insider threats, strengthening the security of high activity sealed radioactive sources, using forensics in nuclear security and minimizing and eliminating the use of highly enriched uranium in civilian applications.
- States should take full advantage of IAEA advisory services, including the IAEA International Physical Protection Advisory Service and the International Nuclear Security Advisory Service, and through the establishment and implementation of Integrated Nuclear Security Support Plans.

- States that possess nuclear weapons are called on to undertake confidence-building measures, which might include voluntary declarations, reporting in national progress reports or within the framework of Security Council resolution 1540 (2004), applying, where feasible and appropriate, best practices for civilian materials and military materials, or considering bilateral or internal peer reviews without jeopardizing sensitive information. Greater transparency on the part of States with military materials would demonstrate their commitment to strengthening their nuclear security and contribute to greater domestic and international confidence. Sharing information and lessons learned can improve security. It also has a deterring effect, sending a strong message to terrorists that military materials are secured to the highest possible standards.

- States that have not yet done so should become party to the amended Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism. All States parties to the amended Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism should implement their obligations thereunder.

- States concerned should further minimize highly enriched uranium stocks and further minimize their use, including by converting radioisotope production to low-enriched uranium fuel and targets or by using other non-highly enriched uranium technologies, taking into account the need for an assured and reliable supply of medical isotopes.

- States concerned should keep their stockpiles of separated plutonium to the minimum consistent with their national requirements.

- States should reinforce their efforts to locate and secure nuclear and other radioactive material out of regulatory control and to improve existing control and cooperation mechanisms with a view to curbing illicit trafficking in nuclear and other radioactive materials. They should consider supporting the work of IAEA regarding the prevention, detection and response to illicit trafficking.

- States should develop and enhance nuclear forensics capabilities and utilize, as appropriate, the support by IAEA, the Global Initiative to Combat Nuclear Terrorism and the Nuclear Forensics International Technical Working Group in areas such as enhancing traditional and nuclear forensics capabilities and providing relevant training assistance to States.

- The work of IAEA in raising awareness of the potential impact on nuclear security of cyberattacks, and the provision of guidance and assistance to its member States in this regard, should continue in view of the growing threat of such attacks.

- Fostering a culture of nuclear security through nuclear security education, training and proper certification of nuclear security managers should be a priority for States and the nuclear industry. Cooperation with IAEA to establish centres of excellence and other nuclear security training and support centres, as well as international nuclear security education networks, is essential.

- States are encouraged to consider participating in the Global Initiative to Combat Nuclear Terrorism.

5. In line with IAEA Nuclear Security Series No. 15, States should establish and maintain effective executive, legislative and regulatory frameworks to detect and respond to criminal or unauthorized acts involving nuclear or other radioactive material that is outside of regulatory control. Establishing and maintaining such frameworks help to ensure that assigned roles and responsibilities are carried out and powers are exercised according to law, cooperatively and in a coordinated manner within a State and, where necessary, between States.

Background note 7: discouraging withdrawal from the Non-Proliferation Treaty

1. Article X of the Non-Proliferation Treaty confers on States parties the right of withdrawal from the Treaty. It sets out the reasons for which the right of withdrawal can be exercised, and the process for exercising it. But this right cannot be considered in isolation. It should be considered in the context of the integrity of the Treaty and the broader framework of international law, including the principle of customary international law that says that a State continues to be responsible for violations of legal obligations committed prior to its withdrawal from a treaty. Abuse of article X would undermine the integrity of the Treaty and the objective of its universality.

2. Withdrawal from the Non-Proliferation Treaty carries inherent risks to non-proliferation and could constitute a threat to international peace and security. Withdrawal from the Treaty is, of course, much broader than discussions in Vienna. Withdrawal is a significant political event and should be given urgent political attention by States parties. States parties held useful discussions on the issue of withdrawal at the 2015 Review Conference, which should be taken forward during the 2020 review cycle, including by developing and agreeing on principles for exercising the right of withdrawal.

3. All nuclear materials, equipment, technology and facilities acquired and developed for peaceful purposes by a State during the time it was a party to the Non-Proliferation Treaty should, in the case of withdrawal, be restricted to peaceful uses only. As a consequence, they should remain subject to IAEA or fallback safeguards.

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Nuclear disarmament verification

Working paper submitted by the European Union

Summary

1. The European Union and its member States have significant experience that can be instrumental to effectively advancing the disarmament verification agenda. The European Union and its member States are committed to pursuing nuclear disarmament in accordance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and stress the need for concrete progress in this field, especially through an overall reduction in the global stockpile of nuclear weapons.

2. The European Union and its member States play an active part in developing well-elaborated, certified and robust technical procedures and technologies in order to ensure that "the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations" under article VI of the Non-Proliferation Treaty are applied.

3. While verification is not an aim in itself, further development of multilateral nuclear verification capabilities would assist in the achievement and maintenance of a world without nuclear weapons. Therefore, the European Union and its member States consider it important to pursue and intensify efforts, including in cooperation with international organizations and civil society, to address verification challenges with respect to safety, security and non-proliferation requirements. Furthermore, the European Union and its member States stress the importance of the active and equal participation and leadership of women and their full involvement in all efforts for the maintenance and promotion of peace and security.

4. The European Union and its member States supported General Assembly resolution 71/67 on nuclear disarmament verification, the main sponsor of which was Norway, and welcomed the establishment of a group of governmental experts to consider the role of verification in advancing nuclear disarmament, whose meetings will be held in 2018 and 2019.

5. Coordinated technical discussions and work are an important element of treaty negotiation and treaty implementation. Technical research and development on disarmament verification capabilities will be important for the negotiation of

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disarmament agreements, whereas technical activities can enhance the implementation of disarmament activities.

6. Measures on nuclear disarmament would be strongly supported by the successful negotiation in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (fissile material cut-off treaty).[1] In that context, participants in the 2017 informal consultative meeting on the fissile material cut-off treaty and, in particular, the first session of the high-level fissile material cut-off treaty expert preparatory group, devoted a considerable amount of time to discussing issues related to verification. The potential for synergies between the preparatory group process and the 2018 meeting of the group of governmental experts to consider the role of verification in advancing nuclear disarmament was also mentioned.

Introduction

7. Under article VI of the Non-Proliferation Treaty, all parties to the Treaty, both non-nuclear-weapon States and nuclear-weapon States, committed themselves to pursuing effective measures relating to the cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. The establishment of effective verification measures will be important in fulfilling this goal.

8. The European Union and its member States remain committed to the Non-Proliferation Treaty as the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament in accordance with its article VI and an important element in the future development of nuclear energy applications for peaceful purposes.

9. In 2010, the eighth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted conclusions and recommendations for follow-on actions, which include 64 actions. Action 19 of the 2010 action plan stated that "all States agree on the importance of supporting cooperation among Governments, the United Nations, other international and regional organizations and civil society aimed at increasing confidence, improving transparency and developing efficient verification capabilities related to nuclear disarmament".

10. The European Union and its member States see the urgency of identifying the challenges associated with verification and of providing for the relevant technical means. Verification capabilities should be developed now to ensure their availability for disarmament. There is a broad continuum of processes, techniques and technical methods that can be elaborated and developed and are important for building confidence.

11. As the Non-Proliferation Treaty demands "international control", it is important for non-nuclear-weapon States to play a more substantive and supportive role in most verification tasks. Concrete steps towards enabling verification of the disarmament process could contribute to the implementation of article VI of the Treaty.

Effective verification — key to nuclear disarmament

12. Over the past decades, several important efforts have attempted to address technical, legal and financial aspects of nuclear disarmament verification, proving the importance of joint international efforts on this complex issue. There are already a

[1] The position of the European Union on a fissile material cut-off treaty has been elaborated in working paper NPT/CONF.2020/PC.II/WP.7.

number of verification technologies linked to ensuring non-proliferation and safeguarding fissile materials.

13. The European Union and its member States support the view that strict verification standards are important for building confidence in nuclear disarmament. While transparency, irreversibility and verifiability remain at the core of any disarmament regime, the protection of sensitive and proliferative information, managed access, completeness and correctness of host declarations and safety and security are all essential issues. The right balance must thus be achieved.

14. While 100 per cent confidence is not achievable in any regime, trust and confidence can be increased by increasing awareness of technical challenges and proliferation concerns and through cooperation, education, openness and outreach. Scientific collaboration and technology developments for a sound and trusted verification approach can show the way forward and help to advance future nuclear negotiations.

15. Research and development to establish verification methods and technologies for the Comprehensive Nuclear-Test-Ban Treaty has a long tradition and has had a significant impact on the negotiation and adoption of that Treaty. The need to develop a scientific basis for monitoring nuclear testing in all environments was explicitly recognized following the first Treaty negotiations, in 1958. This marked the start of programmes of basic and applied research that have continued to this day. Within the framework of other arms control treaties, such as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Treaty on Conventional Armed Forces in Europe, sophisticated inspection procedures, such as "on-site inspections", have been developed and used.

16. The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and its Provisional Technical Secretariat promote the development and constant maintenance of technologies to verify the non-existence of nuclear testing. Since the establishment of the Preparatory Commission in 1996, the Provisional Technical Secretariat has been tasked with establishing a verification regime. The scientific and engineering communities have continued to contribute to the further development and implementation of the International Monitoring System, the International Data Centre and procedures and techniques for on-site inspections.

17. This fruitful collaboration is most visible at the biennial Science and Technology conference, which taps into the experience and knowledge of experts from over 100 countries to further Comprehensive Nuclear-Test-Ban Treaty verification. These conferences also play an important role in raising awareness of the unique verification system of the Comprehensive Nuclear-Test-Ban Treaty Organization and its numerous civil and scientific applications.

18. During the 2010 Review Conference, all nuclear-weapon States committed themselves to accelerating concrete progress on the steps leading to nuclear disarmament, including moving towards an overall reduction in the global stockpile of all types of nuclear weapons and ratification of the Comprehensive Nuclear-Test-Ban Treaty. The European Union and its member States see the entry into force and universalization of the Treaty and the verification capabilities of the International Monitoring System as of crucial importance to nuclear disarmament and non-proliferation. Promoting universalization and the early entry into force of the Treaty is a top priority for the European Union and its member States.

19. The European Union and its member States consider the scientific programme for nuclear verification of the International Atomic Energy Agency (IAEA), referred to as the IAEA Member States Support Programme, aimed at improving the

implementation of safeguards, as an important pillar in enhancing verification methods and techniques for safeguards purposes and, from a broader view, for non-proliferation regimes in general.

20. The Trilateral Initiative of IAEA, the United States of America and the Russian Federation (1996–2002) tackled challenges of the international verification of weapon-origin fissile material with classified characteristics without revealing sensitive nuclear weapon information. Technical accomplishments included work towards technical specifications and equipment design for an attribute verification system, the development of a special containment and surveillance system to maintain the continuity of knowledge, and the development of approaches for the authentication of verification equipment. Significant achievements were also made in the development of the legal framework, including the drafting of a model verification agreement and model subsidiary arrangements, and consideration was given to the financing of verification activities.

Engagement in activities by the European Union and its member States

21. The European Union and its member States have a high degree of expertise and wide experience in the fields of nuclear safety and security, safeguards and non-proliferation in both nuclear-weapon States and non-nuclear-weapon States.

22. In addition to their interest and their principled support, voiced on many occasions and displayed at such important negotiations as the E3/EU+3 talks with the Islamic Republic of Iran, the European Union and its member States have significant and unique experience that can be instrumental to effectively advancing the disarmament verification agenda. Concrete steps have been taken by specific nuclear-weapon States, such as the reduction of stockpiles of nuclear weapons and the irreversible dismantlement of production facilities for nuclear weapon fissile material. Specifically, this includes the dismantlement expertise of France and the United Kingdom of Great Britain and Northern Ireland, as well as the significant research and development efforts by the European Commission's Joint Research Centre with regard to nuclear safety, security and non-proliferation. Significant technical expertise also exists among the non-nuclear-weapon States of the European Union, linked to their nuclear energy programmes.

23. The European Atomic Energy Community safeguards system, established by the Treaty creating the European Atomic Energy Community in 1957, is a set of controls and verification activities covering all civil nuclear installations throughout the European Union. Nuclear facilities in the military domain or related to national security are excluded from the Treaty. The Community has similar rights of access to all civilian nuclear facilities in both the non-nuclear-weapon States and the nuclear-weapon States of the European Union. The Community runs a programme for nuclear research and training under the European framework research programmes. One of the objectives of the current Community research and training programme (2014–2018) is to improve nuclear security, including nuclear safeguards, non-proliferation, combating illicit trafficking, and nuclear forensics.

24. At the European Union level, in addition to the European Atomic Energy Community safeguards inspectorate, the Joint Research Centre has a wealth of expertise. Based on substantial experience in the field of nuclear safeguards, the European Union supported the technical work under the Trilateral Initiative through a workshop organized by the Joint Research Centre in Ispra, Italy, from 13 to 19 December 2001. The objective of the workshop was to demonstrate in situ verification capabilities, including "information barriers" to ensure the protection of classified parameters, advanced surveillance devices and identification and authentication procedures.

25. As only a combination of both perspectives can open up avenues for irreversible multilateral nuclear disarmament, nuclear-weapon States and non-nuclear-weapon States need to work together. The European Safeguards Research and Development Association has added special sessions on disarmament verification to its biennial symposiums, although the Association generally focuses on improving international safeguards. Arms control is also now a topic in some of the eight Association working groups.

26. Successful cooperation between a nuclear-weapon State and a non-nuclear-weapon State would require sufficient time for a build-up of trust and common ground. Therefore, the European Union appreciates the work undertaken by the United Kingdom-Norway Initiative, which, through collaboration between nuclear-weapon States and non-nuclear-weapon States, addresses technical and procedural challenges of verifying possible future nuclear disarmament and arms control agreements. Using scenarios, the Initiative identified challenges for the verification of nuclear warhead dismantlement. The ongoing cooperation addressed areas such as "managed access", "information barriers" and "confidence in the verification process" and successfully demonstrated how States can cooperate in this important and politically sensitive area.

27. Since 2015, the United Kingdom and Sweden have been working together with the United States and Norway within the framework of the Quad Nuclear Verification Partnership. It is a multi-year arms control simulation initiative that builds on experience from the United Kingdom-Norway Initiative and previous United Kingdom-United States verification and arms control exercises.

28. In spite of the achievements, a considerable amount of work is still needed to advance technologies and procedures for nuclear disarmament verification. The European Union supports the creation of broader partnerships and cooperative verification arrangements and, together with some of its member States, has participated in the work of the International Partnership for Nuclear Disarmament Verification since its inauguration in 2015. The International Partnership enables active collaboration among experts from 22 States with and without nuclear weapons to develop practical methods that could contribute to the verification of the irreversible dismantlement of nuclear weapons. It has obtained some excellent results within its first phase (2015–2017), which yielded the key judgment that, "while tough challenges remain, potentially applicable technologies, information barriers, and inspection procedures provide a path forward that should make possible multilaterally monitored nuclear warhead dismantlement while successfully managing safety, security, non-proliferation, and classification concerns in a future nuclear disarmament agreement". The European Union will continue to actively support the work in the second phase (2017–2019), particularly on further exploration of verification technologies, demonstrations and practical exercises.

Summing up

29. The European Union hosts much experience and research activity and many institutions with related expertise in the field of nuclear verification. The European Union and its member States urge nuclear-weapon States and non-nuclear-weapon States to use the ongoing international initiatives to advance the development of capacities for disarmament verification, building on past achievements.

30. Robust and effective verification is an important part of maintaining disarmament progress on the way to a world without nuclear weapons. Regardless of the specific provisions of future regimes, the disarmament and verification process can be discussed from a more technical perspective even today.

31. The European Union and its member States welcome the establishment of the group of governmental experts to consider the role of verification in advancing nuclear disarmament and look forward to the outcome of its work. The European Union is prepared to provide appropriate support for the development and application of new technologies or concepts and contributes to the discussion at the International Partnership for Nuclear Disarmament Verification accordingly. In the second phase, the European Union and several of its member States, together with other partners in the International Partnership, have continued to examine various aspects of verification with an expanded focus and scope beyond dismantlement. The European Union considers it important that the International Partnership and the group of governmental experts seek to complement each other's work.

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Fissile material cut-off treaty

Working paper submitted by the European Union

Summary

The European Union and its member States are committed to treaty-based nuclear arms control and disarmament and actively contribute to multilateral efforts aimed at renewing and revitalizing multilateral negotiating bodies, in particular, the Conference on Disarmament. Furthermore, the European Union and its member States stress the importance of the active and equal participation and leadership of women and their full involvement in all efforts for the maintenance and promotion of peace and security.

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1. The European Union and its member States recall that there is broad support within the international community for such a treaty, considering that it would represent a significant practical contribution to nuclear disarmament and non-proliferation.

2. For more than two decades, the European Union and its member States have been at the forefront of advocating the immediate commencement and early conclusion of the negotiation in the Conference on Disarmament of a fissile material cut-off treaty, on the basis of document CD/1299 (the "Shannon Report") and the mandate contained therein.

3. Over the next three years, the European Union will provide support to African, Asian, Latin American and Caribbean countries to facilitate their participation in the fissile material cut-off treaty consultative process, established by General Assembly resolution 71/259 of 2016, which establishes a high-level fissile material cut-off treaty expert preparatory group to consider and make recommendations on substantial elements of a future non-discriminatory, multilateral and internationally and effectively verifiable treaty.

Introduction

4. The European Union and its member States are committed to treaty-based nuclear arms control and disarmament and underline the need to renew multilateral efforts and revitalize multilateral negotiating bodies, in particular the Conference on Disarmament. Promotion of gender equality, gender consciousness, empowerment of women and prevention of sexual and gender-based violence is an important horizontal priority for the European Union. We believe that the active and equal participation and leadership of women in decision-making and action, including in the area of disarmament and non-proliferation, are crucial in achieving peace, security and sustainable development and, as such, will be crucial in achieving a successful outcome of negotiations on a treaty banning fissile materials as well.

5. European Union member States are united in their support for the Treaty on the Non-Proliferation of Nuclear Weapons, which remains the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament in accordance with article VI of the Treaty and an important element in the future development of nuclear energy applications for peaceful purposes. These three pillars are equally important and mutually reinforcing. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is an important cycle in all aspects. The priority of the European Union and its member States is to uphold, preserve and further strengthen the Treaty as a key multilateral instrument for reinforcing international peace, security and stability, promote its universalization and strengthen its implementation.

6. The European Union recalls that all States parties to the Non-Proliferation Treaty are committed to pursuing policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons. For their part, the European Union and its member States stress the need for concrete progress towards the full implementation of article VI of the Treaty, especially through an overall reduction in the global stockpile of nuclear weapons, taking into account the special responsibility of the States that possess the largest nuclear arsenals.

7. For the European Union, a multilateral, non-discriminatory and international and effectively verifiable fissile material cut-off treaty would be a genuine contribution towards providing increased and undiminished global security for all States and should significantly reduce the risk of a nuclear arms race and contribute to both nuclear disarmament and non-proliferation.

8. A fissile material cut-off treaty would have various, mutually reinforcing benefits. First and foremost, banning the future production of fissile material for explosive purposes would mean capping the amount of material available for new nuclear weapons. Consequently, the quantities of fissile material can only be reduced, not increased. Second, a fissile material cut-off treaty would strengthen the Non-Proliferation Treaty, which is one of the measures included in the list of principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Moreover, a non-discriminatory fissile material cut-off treaty would not distinguish between rights and duties of parties to the treaty and would therefore have the potential to draw in States that are currently not party to the Non-Proliferation Treaty.

On the way to a fissile material cut-off treaty

9. In December 1993, the General Assembly adopted its first resolution related to the fissile material cut-off treaty, resolution 48/75 L, entitled "Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices". This resolution recommends an appropriate international body to negotiate a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices". The Conference on Disarmament agreed to this mandate in the report of its Special Coordinator, Ambassador Gerald Shannon of Canada, dated 24 March 1995 (CD/1299), which was subsequently reaffirmed in the decisions of the Conference to establish subsidiary bodies to negotiate such a treaty in 1998 and 2009. Despite the broadly held view within the international community that such a treaty would represent a significant practical contribution to nuclear disarmament and non-proliferation, agreement to launch the negotiations of a fissile material cut-off treaty has yet to be achieved.

10. All parties to the Non-Proliferation Treaty adopted, at the 1995 Review and Extension Conference, the principles and objectives for nuclear non-proliferation and disarmament. These objectives recognized a ban on fissile material as an important measure for "the full realization and effective implementation of article VI". It called for the immediate commencement and early conclusion of fissile material cut-off treaty negotiations in the Conference on Disarmament as part of a three-phased programme of action on nuclear disarmament. In 2010, the eighth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted the conclusions and recommendations for follow-on actions, which contain 64 actions. Action 15 of the 2010 action plan stated that "all States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator of 1995 (CD/1299) and the mandate contained therein".

11. All European Union member States supported General Assembly resolution 67/53 on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, which established the Group of Governmental Experts for the period of 2014–2015. Several European Union member States participated in the work of the Group and contributed to the final consensual report, the importance of which was recognized in resolution 70/39. In view of the European Union and its member States, the Group provided the opportunity to elaborate a detailed report covering all views and positions on which a general architecture for a fissile material cut-off treaty could be built. The final conclusions of the Group, notably, "that the various perspectives of States on a treaty should not be an obstacle

to commencement of negotiation" and that the Shannon mandate "continues to provide the most suitable basis on which future negotiations can commence without further delay in the Conference on Disarmament", have been echoed in numerous European Union statements.

12. Furthermore, all European Union member States supported General Assembly resolution 71/259, presented by Canada, Germany and the Netherlands in 2016, and the subsequent General Assembly decision 72/513 in 2017. The European Union welcomes the inclusive consultative process set up by this resolution that will help to bring the views of the broader United Nations membership to the attention of the high-level expert preparatory group. Again, several European Union member States participate in the work of the high-level fissile material cut-off treaty expert preparatory group, whose mandate is to make recommendations on substantial elements for a future treaty, without prejudice to national positions in future negotiations. The European Union is looking forward to examining the group's final report at the seventy-third session of the General Assembly, with a view to starting negotiations in the Conference on Disarmament at the earliest opportunity.

13. The European Union and its member States are convinced of the continued importance and relevance of a fissile material cut-off treaty on the Conference on Disarmament agenda. Last year's discussions, facilitated by Germany in the Working Group on the Way Ahead, contributed to a further understanding of the possible scope and objectives of a treaty, including definitions, verification and legal and institutional arrangements.

14. In the course of the Non-Proliferation Treaty review process, at the 2000 Review Conference, States parties called for the immediate commencement of fissile material cut-off treaty negotiations at the Conference on Disarmament, "taking into consideration both nuclear disarmament and nuclear non-proliferation objectives" as part of its 13 practical steps. At the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 188 States parties reaffirmed the urgent necessity of negotiating and bringing to a conclusion a non-discriminatory, multilateral and internationally and effectively verifiable fissile material cut-off treaty.

15. More recently, on 16 February 2018, the Conference on Disarmament adopted by consensus a decision on the establishment of subsidiary bodies on all agenda items of the Conference. This encouraging development provides a framework for structured technical discussions on a fissile material cut-off treaty in the Conference, which may pave the way for future progress towards the commencement of negotiations of this treaty.

Efforts by the European Union and its member States in support of the fissile material cut-off treaty in the Conference on Disarmament

16. Over the past decades, the European Union and its member States have actively worked in the Conference on Disarmament in search of a consensus to launch the negotiation and encouraged all Conference members to exert their utmost efforts to break the impasse in the Conference and adopt a comprehensive and balanced programme of work that includes the immediate commencement of negotiations on a fissile material cut-off treaty.

17. Some recent examples include the "Five Ambassadors" proposal (also known as the "A5 Initiative"), which was introduced in August 2002 by the Ambassadors of Algeria, Belgium, Chile, Colombia and Sweden. The proposal represented a renewed emphasis on the potential for agreement on a programme of work. In preparing for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Netherlands sponsored a series of open-ended, informal

meetings on a fissile material cut-off treaty conducted outside the Conference on Disarmament framework. These meetings contributed to the development of ideas regarding the scope and verification of a fissile material cut-off treaty by analysing the possible contents of such a treaty and by exploring opportunities and obstacles when drafting a fissile material cut-off treaty.

18. European Union Foreign Ministers confirmed the principled European Union position on upholding and preserving the Non-Proliferation Treaty as a key priority and on some of the key issues concerning the implementation of its provisions in the run-up to the 2005, 2010 and 2015 Review Conferences. They reaffirmed their commitment to and stressed the need to start the negotiation in the Conference on Disarmament on a fissile material cut-off treaty as indispensable steps towards fulfilment of the obligations and the final objective enshrined in article VI of the Non-Proliferation Treaty.

19. In April 2015, France issued a draft treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (CD/2020), which gave further impetus towards commencing productive discussions.

20. In February 2016, the United Kingdom of Great Britain and Northern Ireland submitted a draft programme of work for the Conference on Disarmament, proposing the establishment of a working group within the Conference "to identify, elaborate and recommend effective measures on nuclear disarmament, including legal provisions and other arrangements".

21. The same year, General Assembly resolution 71/259, presented by Canada, Germany and the Netherlands, established a series of preparatory discussions under General Assembly auspices, to build on the report of the Group of Governmental Experts on the fissile material cut-off treaty, enabling the international community to make further progress on the work of the Group. This resolution introduces an innovative element of two two-day informal consultative meetings organized by the Chair of the high-level fissile material cut-off treaty expert preparatory group, which offers the possibility to all United Nations Member States to engage in interactive discussions and share their views on a fissile material cut-off treaty.

22. As a powerful demonstration of the long-standing commitment of the European Union in support of a fissile material cut-off treaty, European Union Foreign Ministers in December 2017 decided to provide significant support to African, Asian, Latin American and Caribbean countries to facilitate their participation in the fissile material cut-off treaty consultative process, established by the 2016 General Assembly resolution. The technical implementation of this important cross-regional project, which is entirely funded by the European Union for an amount worth more than 1.2 million euros, has been entrusted to the United Nations Office for Disarmament Affairs to reach out to as many stakeholders as possible over the next three years.

23. The aim of the projects shall be: the facilitation of dialogue at the regional level among States in the African, Asia-Pacific and Latin America and the Caribbean regions; the development of a sense of ownership of the issue among States in these regions; the identification of the national needs and policy priorities of States in these regions; the involvement of relevant regional organizations in the discussions on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices to be negotiated in the framework of the Conference on Disarmament; the evaluation of the implications of the process at the regional level and of the role that relevant regional and international organization may play in that process; the comparative analysis of the implications of the process for each region; and the facilitation of the transmission of knowledge between academia, civil society organizations and member States relating to fissile materials.

24. The European Union looks forward to the successful implementation of this major project, which will help to develop transregional ownership and keep positive momentum on the importance and relevance of the negotiation of a fissile material cut-off treaty, and which will also contribute to deepening a shared understanding of all the issues which are at stake with regard to the prohibition of the production of fissile material for nuclear weapons.

Summing up

25. Fissile material that can bring about an explosive fission chain reaction is an essential ingredient of nuclear weapons. For more than two decades, the European Union and its member States have been at the forefront of advocating the immediate commencement and early conclusion of the negotiation in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein.

26. The European Union and its member States recall that there is broad support within the international community for such a treaty, considering that it would represent a significant practical contribution to nuclear disarmament and non-proliferation.

27. The fissile material cut-off treaty is considered to be a multilateral instrument to be negotiated in the nuclear disarmament field as a complement to the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty, thereby strengthening the global nuclear non-proliferation regime. It will positively contribute to global efforts on nuclear disarmament, in line with article VI of the Non-Proliferation Treaty.

28. Different positions on some of the key elements of the treaty, such as the scope, verification or its entry into force, should be elaborated on and debated at negotiations, keeping in mind that the various benefits can be potentially reinforcing for each other.

29. In the meantime, the European Union and its member States also believe that confidence-building measures can be taken immediately, without the need to wait for the commencement of formal negotiations. In line with actions 16 to 18 of the Final Document of the 2010 Review Conference, the European Union and its member States have been calling upon all States possessing nuclear weapons that have not yet done so to declare and uphold an immediate moratorium on their production of fissile material for nuclear weapons or other nuclear explosive devices. We welcome the action by some nuclear-weapon States, including France and the United Kingdom, which have declared relevant moratoriums.

30. The European Union and its member States stand ready for the immediate commencement and early conclusion of the negotiation of such a treaty in the Conference on Disarmament.

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Framework for peaceful nuclear cooperation

Working paper submitted by France

1. The development of peaceful uses of nuclear energy is central to the implementation of the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons, along with nuclear disarmament and non-proliferation. All States parties to the Treaty should be able to benefit from the civil applications of nuclear energy, provided that they respect their international obligations and pursue nuclear activities exclusively for peaceful purposes.

2. The development of nuclear energy can provide a competitive, predictable and sustainable way to meet growing energy needs while helping States to meet their goals of reducing greenhouse gas emissions and guaranteeing the security of the energy supply, at affordable costs.

3. To ensure international support for the responsible and sustainable development of nuclear energy, as well as of other peaceful nuclear applications, international cooperation in this field should be pursued in a manner consistent with international obligations, in accordance with the highest international standards of nuclear safety, security, non-proliferation and environmental protection. International cooperation should also be based on the specific objectives, needs and assets of each partner country.

4. As the strategic decision to launch a civil nuclear power programme on a State's territory, or to supply a facility or nuclear material (outside a State's territory) requires the involvement of governmental authorities, the conclusion of an intergovernmental agreement is often a prerequisite and an appropriate tool for industrial, institutional, scientific or technical partnerships in the field of nuclear cooperation. The preparation of such an intergovernmental agreement and its negotiation usually involve a wide range of national actors.

5. Alongside the States that have already developed a civil nuclear industry, some 30 additional States are, at various stages of progress, currently considering the use of nuclear energy in their energy mix. In this context, many of them have entered into intergovernmental agreements with nuclear-mature States in order to support civil nuclear cooperation.

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6. Although there is no single model or framework for civil nuclear cooperation, such umbrella intergovernmental agreements, which can be supplemented with project-specific agreements, may usefully include provisions regarding:[1]

- Areas of cooperation
- Definitions
- Protection of information
- Nuclear safety
- Peaceful, non-explosive use assurances
- International Atomic Energy Agency safeguards, including fallback safeguards
- Nuclear security, including physical protection
- Transfers and retransfers of nuclear materials, specific equipment and technologies
- Intellectual property
- Nuclear third-party liability
- Monitoring of the cooperation
- Settlement of disputes
- Entry into force and duration

7. The conclusion of an intergovernmental agreement establishes a clear framework for active cooperation, with a clear identification of partner countries' objectives and relevant stakeholders on both sides. It presents the advantage of providing legal certainty and stability and helps to streamline the export control process. Moreover, it clearly establishes the reciprocal obligations that both parties must undertake.

8. As we work towards the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, France would like to share its experience in this field and consider how to best promote the responsible and sustainable development of civil nuclear energy programmes through enhanced cooperation, based on intergovernmental agreements.

9. For this purpose, France has developed examples of what could constitute a non-exclusive reference on good practices and elements to be included with regard to intergovernmental agreements in the field of civil nuclear cooperation. The examples could be discussed in general and in relation to other national practices during the meetings of the 2018 Preparatory Committee, serving as a contribution to the work of the Preparatory Committee under the third pillar of the Treaty.

Examples of good practices and elements of an intergovernmental agreement for the development of civil nuclear cooperation

Areas of cooperation

10. A description of possible areas of cooperation, for example: exchange of information on energy policy, legislation and regulation in the nuclear field, fundamental and applied research and development, uses of nuclear energy, such as

[1] This is an illustrative list of possible elements to be included in an intergovernmental agreement. Each State has the right, pursuant to domestic policy requirements, to adopt conditions of supply that may be more comprehensive or that may not have been included in the present working paper.

for the generation of electricity and other applications, spent nuclear fuel and radioactive waste management, nuclear safety, radiation protection and radiological environmental protection, nuclear security, human resources development, and so on.

Definitions

11. Definitions of key terms referenced in the agreement, including nuclear material, material equipment and technology.

Protection of information

12. An agreement to protect information exchanged that is marked as such, if need be, through a dedicated security agreement on the exchange of confidential and sensitive information.

Nuclear safety

13. A reference to the objective of achieving and maintaining the highest levels of nuclear safety and/or explicitly to relevant instruments.

Peaceful, non-explosive uses

14. A commitment that the transfers under the cooperation agreement, including of knowledge and technology, as well as of their results and by-products, will be used exclusively for peaceful purposes.

International Atomic Energy Agency safeguards, including fallback safeguards

15. A commitment that the transfers of nuclear material under the cooperation agreement and their successive generations will be subject to International Atomic Energy Agency (IAEA) safeguards under the relevant agreement supplemented by the additional protocol, if the partner country has concluded one. If the partner country has not concluded an additional protocol, reference should be made to the fact that such a conclusion will be considered and that the additional protocol will be applied, once in place.

16. In the event that IAEA safeguards are not applicable, the parties undertake to establish a mutually agreed safeguards system covering all items subject to the agreement.

Physical protection of nuclear material and nuclear facilities

17. A reference to the objective of achieving and maintaining effective physical protection of nuclear material and nuclear facilities, pursuant to international standards, and adhering to relevant conventions.

Transfers and retransfers

18. An agreement that retransfers of items (nuclear materials, specific equipment and technology) transferred under the cooperation agreement and items derived therefrom can be made only after obtaining the prior written consent of the initial supplier in a manner that is consistent with its domestic non-proliferation requirements. In some instances, this could require that the retransfer is authorized only to a third party that has also concluded an intergovernmental agreement with the initial supplier States.

19. Some intergovernmental agreements can specify that transfers of items that represent the greatest proliferation risk (nuclear materials, specific equipment and technologies, as well as any items derived or produced through their use) may occur

only when the other party has agreed to make them subject to the conditions of the agreement upon transfer.

20. Some intergovernmental agreements may also include provisions that establish specific conditions for reprocessing and high enrichment, under which reprocessing and enrichment beyond 20 per cent of nuclear material subject to the agreement can take place, including the need for consultations and prior consent.

Intellectual property

21. A general clause regarding the protection of intellectual property, stating, for instance, that in the framework of the cooperation, intellectual property will be attributed on a case-by-case basis, in specific agreements or contracts.

Nuclear third-party liability

22. A reference to the principles established through the main relevant international conventions, on the basis of which the parties agree on a third-party liability regime and provide for the appropriate insurance coverage and/or adherence to the specific conventions.

23. For some States, intergovernmental agreements may not address nuclear third-party liability.

Monitoring of the cooperation

24. A reference to the setting up, for example, of a working group to monitor the cooperation.

Settlement of disputes

25. A general provision on an agreed mechanism for the settlement of disputes.

Entry into force and duration

26. General provisions for entry into force. The duration is usually from 10 to 40 years and is possibly tacitly renewable.

27. France wishes to engage in a dialogue, in the framework of the 2018 Preparatory Committee, to consider how to promote good practices in terms of intergovernmental agreements on the responsible development of civil nuclear cooperation.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Humanitarian consequences of nuclear weapons

Working paper submitted by Algeria, Austria, Brazil, Chile, Costa Rica, Egypt, Guyana, Indonesia, Ireland, Liechtenstein, Malta, Malaysia, Mexico, Mozambique, Nepal, New Zealand, Nigeria, Panama, Peru, the Philippines, South Africa and Thailand

1. The present working paper builds on a previous working paper on the humanitarian consequences of nuclear weapons submitted to the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2015/WP.30). For the sake of brevity, not all elements of that paper are reproduced, although they remain relevant in their entirety. The present paper provides an update to the earlier document in the light of subsequent developments and reaffirms the significance of the issue in the framework of the review process.

2. Knowledge of the humanitarian consequences and associated risks of nuclear weapons has been available since 1945, if not before. The humanitarian consequences of nuclear weapons have been reflected in numerous United Nations resolutions, including the first resolution passed by the General Assembly in 1946. At the first special session of the General Assembly devoted to disarmament, held in 1978, it was stressed that "nuclear weapons pose the greatest danger to mankind and to the survival of civilization".

3. With respect to the Treaty on the Non-Proliferation of Nuclear Weapons, the awareness of these consequences was indeed one of the key drivers for its negotiation, as evidenced in its first preambular paragraph: "Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples".

4. It was the 2010 Review Conference, the latest to date to produce an outcome document, which focused specifically on this issue in its conclusions and recommendations for follow-on actions (2010 action plan) by expressing "its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons" and reaffirming "the need for all States at all times to comply with applicable international law, including international humanitarian law". Moreover, the 2010 Review Conference resolved in action 1 of the 2010 action plan that "All

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States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons".

5. The increased focus of the international community on the humanitarian consequences of and risks associated with nuclear weapons can be seen as an amplification of the deep concern expressed at the 2010 Review Conference and a valuable component of States parties' efforts to implement action 1 of the 2010 action plan.

6. Reflecting the centrality of the humanitarian imperative to the Non-Proliferation Treaty, the overwhelming majority of States parties have supported and participated in activities that have heightened awareness about the fundamental importance of the complete elimination of nuclear weapons for the sake of all humanity.

7. The evidence presented at the three international conferences hosted by the Governments of Norway, Mexico and Austria in 2013 and 2014 demonstrated that the consequences for humanity of a nuclear weapon detonation, irrespective of its cause, would include death, destruction and displacement, as well as profound and long-term damage to human health, the environment, the climate and socioeconomic development. The evidence showed that the scope, scale and interrelationship of the humanitarian consequences caused by nuclear weapon detonations were catastrophic and more complex than commonly understood and could even threaten the survival of humankind. Moreover, new threats from cyber activity and terrorism relating to nuclear weapons came to the fore. An equally important result of the conferences was to show that the risk of nuclear war was much higher than was generally believed at that time.

8. As a result of the Vienna Conference, the Humanitarian Pledge, which was subsequently endorsed by 127 States, concluded that only the total elimination of nuclear weapons could reliably remove the risk of their use with its unacceptable humanitarian consequences, and called for the negotiation of an international instrument to prohibit nuclear weapons, as a first essential step towards elimination.

9. Importantly, the broad humanitarian movement that manifested itself at the three conferences comprised not only a large number of States, but also international organizations with a humanitarian mission, such as the United Nations and the International Committee of the Red Cross, as well as global civil society consolidated in the International Campaign to Abolish Nuclear Weapons. In recognition of its work to raise awareness about the humanitarian consequences of nuclear weapons, as well as to bring about the Treaty on the Prohibition of Nuclear Weapons, the International Campaign to Abolish Nuclear Weapons was awarded the Nobel Peace Prize 2017.

10. At the 2015 Review Conference, the results of the humanitarian discussions to date were summarized and presented in a joint statement on the humanitarian consequences of nuclear weapons, delivered on behalf of 159 countries by the then foreign minister of Austria, Sebastian Kurz.

11. On the basis of a recommendation from the report of the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations, established by the General Assembly in its resolution 70/33, inspired by the humanitarian discussions and consistent with the Humanitarian Pledge, the General Assembly, in its resolution 71/258, mandated that negotiations be held on a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. The negotiations were successfully concluded with the adoption by 122 States of the Treaty on the Prohibition of Nuclear Weapons on 7 July 2017.

12. Awareness about the humanitarian consequences of nuclear weapons will motivate the universalization and implementation of the Treaty on the Prohibition of Nuclear Weapons, now embedded in the international nuclear disarmament and

non-proliferation regime, with the Non-Proliferation Treaty as its cornerstone. At the same time, the humanitarian consequences of nuclear weapons remain an important issue for discussion within the framework of the Non-Proliferation Treaty. In the pursuit of the key objectives of the Non-Proliferation Treaty and the full and effective implementation of the Treaty and the obligations and commitments on nuclear disarmament and non-proliferation reached at the previous review conferences, the following recommendations regarding the subject matter of the present working paper are made to the 2020 Review Conference:

(a) To welcome that during the past two review cycles, findings and evidence on the humanitarian impact of nuclear weapons have been presented in fact-based discussions, including at international conferences;

(b) To recognize that the immediate, mid- and long-term consequences of nuclear weapon detonations, inter alia, on health, the environment, infrastructure, food security, climate, development, social cohesion and the global economy are significantly graver than previously understood, are interlinked, and would not be constrained by national borders but have regional or global effects, and may even threaten the survival of humanity;

(c) To be aware that the risk of a nuclear weapon explosion is significantly greater than previously assumed and is further increasing with proliferation, the lowering of the technical threshold for nuclear weapon capability and the danger of the access to nuclear weapons and related material by terrorist groups;

(d) To express dismay at the unacceptable humanitarian consequences of any use of nuclear weapons and to reaffirm the need for all States at all times to comply with applicable international law, including international humanitarian law;

(e) To recognize that new evidence that has emerged about the humanitarian consequences of nuclear weapons lends further strength to the view that these weapons cannot be used in conformity with international law, in particular international humanitarian law;

(f) To emphasize that the consequences of nuclear weapon detonations and the risks associated with this weaponry concern the security of all humanity;

(g) To affirm that it is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances;

(h) To be cognizant of the fact that the risk of nuclear weapons' use can be avoided only through the total elimination of nuclear weapons and maintenance of a world free of nuclear weapons, which is an objective of the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons, the latter being an effective legal measure under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

(i) To recognize that the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons acknowledge the deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons and that awareness of these consequences must underpin all approaches and efforts towards nuclear disarmament;

(j) To emphasize that the scope of consequences of a nuclear weapon detonation and risks associated raise profound moral and ethical questions;

(k) To commit to further enhancing awareness of the humanitarian impact of and risks associated with nuclear weapons with a view to increasing the urgency with which a world without nuclear weapons is pursued and achieved;

(l) To call on the nuclear-weapon States, pending the total elimination of their nuclear weapon arsenals, to take concrete interim measures with urgency to reduce the risk of nuclear weapon detonations and to increase their transparency and accountability in this regard;

(m) To stress that in the light of the growing understanding of the risk posed by nuclear weapons and their devastating humanitarian consequences, there is an urgent need for the full implementation of existing obligations under the Non-Proliferation Treaty and its previous review conferences to identify and pursue effective measures for the achievement of a world without nuclear weapons, and to call on all States parties to spare no efforts in this regard.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear weapons and security: a humanitarian perspective

Working paper submitted by Austria

1. The Treaty on the Non-Proliferation of Nuclear Weapons aspires "to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery" (eleventh preambular paragraph of the Treaty). All States parties to the Treaty thus share the objective of a world without nuclear weapons. The first part of that paragraph ("Desiring to further the easing of international tensions and the strengthening of trust between States") allows for the assumption that the States parties believe that the achievement of that goal will bring more security for everybody.

2. Notwithstanding the almost 50 years that have passed since its entry into force, all five States parties to the Treaty that are defined by it as nuclear-weapon States continue to possess such weapons. Judging by their publicly declared positions, they are reluctant to give up those weapons, in particular because they believe them to be, under the current circumstances, indispensable for their national security.

3. In contrast, the majority of the world's States have joined the Treaty as non-nuclear-weapon States, thereby expressing their judgment that they do not need nuclear weapons for their security. Most of them belong to nuclear-weapon-free zones in their regions because, apparently, they deem their security to be better served without nuclear weapons in their region.

4. Some States pursued or even possessed nuclear weapons in the past but renounced them later and acceded to the Treaty as non-nuclear-weapon States. Those States initially believed, as the nuclear-weapon States still do, that the possession of nuclear weapons promoted their national security but later came to the conclusion that this was not the case. Such examples show how the views of particular States on the role of nuclear weapons for their national security can evolve over time.

5. The most important recent development to have an impact on the views of States on the role of nuclear weapons in national, as well as international, security has been the so-called humanitarian initiative. Building on the recognition in the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of the catastrophic humanitarian consequences of any use of nuclear weapons, the initiative manifested itself, in particular, in three

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international conferences dedicated to the problem and held in Norway, Mexico and Austria in 2013 and 2014, in the Humanitarian Pledge issued on the occasion of the third of those gatherings and subsequently endorsed by 127 States and in the "humanitarian statement" delivered by the then Minister for Foreign Affairs of Austria, Sebastian Kurz, on behalf of 159 States on the occasion of the 2015 Review Conference.

6. The humanitarian initiative led to the conclusion, in view of the catastrophic humanitarian consequences of any use of nuclear weapons, that those weapons must never be used again under any circumstances and that only their total elimination can guarantee that outcome. The conclusion motivated the negotiation and adoption in 2017 of the Treaty on the Prohibition of Nuclear Weapons, which complements and strengthens the Non-Proliferation Treaty, in particular by contributing to the implementation of article VI.

7. The humanitarian initiative has re-emphasized the important fact that nuclear weapons affect the security not only of the few States possessing them but also of all States of the world. That is equally true of nuclear weapons spreading to additional States and of those already in existence. As stated in the Non-Proliferation Treaty, the devastation caused by a nuclear war would be visited upon all humankind and not only upon the States immediately involved militarily. The final document of the 2010 Review Conference acknowledges that by referring explicitly to the principle of undiminished security for all. In view of the humanitarian consequences and risks associated with any use of nuclear weapons, undiminished security for all will be attained only through the elimination of nuclear weapons.

8. Until recently, nuclear weapons were considered primarily from the point of view of a narrow interpretation of security centred on the State. In reality, the security of a State is tantamount to the security of its population. Therefore, a juxtaposition of national security versus human security seems artificial and superfluous. By focusing on individual human beings as those immediately affected in the case of nuclear weapons being used, the humanitarian initiative has contributed to the necessary broadening of the perception of security. A valid assessment of the security implications of nuclear weapons has to be based on a comprehensive understanding of the term.

9. In terms of security, it is important to point out that the very possession of nuclear weapons by a State exposes its population to a heightened risk of becoming the target of the nuclear weapons of another State. By resorting to a nuclear strike against an adversary capable of nuclear retaliation, a State would heighten that risk for its own population dramatically.

10. Those relying on the concept of nuclear deterrence highlight its alleged rationality. In order to assess that judgment, it is important to understand that a nuclear strike is a fundamentally irrational act. That is obvious for a first strike. A retaliatory strike, however, would seem to serve no rational purpose either. It would not undo the destruction already suffered in the first strike. On the contrary, assuming a second-strike capability on the part of the enemy, retaliation might even provoke additional nuclear strikes.

11. Another important reason making any nuclear strike fundamentally irrational is the fact that its effects cannot be contained in space and time. As the humanitarian initiative has shown, a nuclear strike would not only destroy its target but also have significant, long-term effects on a much larger area and, possibly, the whole planet. The spread of radioactive particles (nuclear fallout), contaminating wide areas of territory for years and, possibly, decades to come (nuclear winter), is the most well-known, but by no means the only, example. As a rule, the effects would spread across national borders and not only harm the targeted country but also have a severe impact on other countries. In today's interdependent world, it is unlikely that any State would

be able to escape completely the effects of a nuclear explosion, no matter where on the planet it occurred. It is likely that even the country launching a nuclear attack would itself be affected to some degree by the consequences of the resulting detonation.

12. Testimony from international humanitarian organizations shows that no adequate capacity exists, either at the State or at the international level, to respond to the scope and scale of the consequences of a nuclear explosion. Should such an event occur, that lack of response capacity would lead not only to horrific scenes of large numbers of victims simply left to their fate, but also a breakdown of public order in the affected region, with security implications beyond the physical effects of the detonation.

13. To resort to a nuclear strike would thus not be rational under any circumstances. Its humanitarian consequences and those of retaliation would inevitably fall back on the initiator. This undermines the credibility of the concept of nuclear deterrence, since an adversary would assume that nuclear weapons would not be used.

14. Reason has, luckily, prevailed so far and certainly reduces the risk of the deliberate use of nuclear weapons but there are, unfortunately, other factors currently at work that significantly drive up the risk of a nuclear explosion occurring. The example of the current crisis over the nuclear programme of the Democratic People's Republic of Korea is a stark reminder that nuclear war could literally break out any day. As recent scientific findings show, the use of nuclear weapons through miscalculation or by accident can never be excluded and is even becoming more likely as the number of actors possessing nuclear weapons increases. In addition, some non-State actors are eager to have access to nuclear weapons. Arguably, those actors would be much less restrained than States when it comes to using such weapons. In the age of cyberattacks, in particular, it is a worrying prospect that States possessing nuclear weapons might lose control over them.

15. To sum up, new scientific findings about the humanitarian consequences of any use of nuclear weapons suggest that nuclear weapons threaten security even more, and in more respects, than was previously known. Therefore, Austria suggests that the following recommendations regarding the subject matter of the present working paper for the 2020 Review Conference be made:

(a) To reaffirm the Treaty's objective of a world without nuclear weapons and to emphasize the security benefit that it will bring to all States and their populations, without exception;

(b) To recognize the importance of human security in assessing the security implications of nuclear weapons;

(c) To highlight the security implications, inter alia, of the long-term and wide-area effects of a nuclear detonation;

(d) To acknowledge the risk of a nuclear weapon detonation actually occurring;

(e) To bear in mind the lack of adequate capacity for disaster relief in the case of such a detonation;

(f) To encourage States to engage in discussions about the security implications of nuclear weapons;

(g) To urge the nuclear-weapon States to adjust their policies with regard to nuclear weapons, as necessary, in a way that promotes nuclear disarmament as mandated under article VI of the Treaty and thereby contributes to achieving the Treaty's overarching objective of a world without nuclear weapons.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Conclusions from the first session and recommendations for the second session of the Preparatory Committee

Working paper submitted by the Netherlands

Introduction

1. The Netherlands chaired the first session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was held from 2 to 12 May 2017 in Vienna. As Chair, the Netherlands considers the first session of the Committee, overall, to have been a constructive session, which laid the foundation for a productive Treaty review cycle leading up to the 2020 Review Conference. A total of 114 States parties participated in the work of the Committee's 16 meetings, and 40 working papers were issued. In addition, the Chair held consultations with more than 100 States parties at various meetings, including regional outreach sessions, in the months leading up to the session.

2. The aim of the present working paper is to contribute to improving interconnectivity between sessions of the Preparatory Committee by highlighting areas of convergence of opinion in the Chair's factual summary of the first session (NPT/CONF.2020/PC.I/WP.40) and by conveying to the Chair of the Committee's second session substantive recommendations for consideration by the Committee, in view of its mandate under paragraph 4 of decision 1 of the 1995 Review and Extension Conference.

3. The Chair of the Committee's first session issued two documents. The first was the above-mentioned factual summary of the proceedings at the first session and of the different positions of the States parties. The aim of the summary was to provide a broad overview of Treaty-related discussions, incorporating as many perspectives as possible, as a basis for further discussions. On some issues, the positions of States parties were far apart; on others, a convergence of opinions was noticeable.

4. The second document, entitled "Towards 2020: reflections by the Chair of the 2017 session of the Preparatory Committee" (NPT/CONF.2020/PC.I/14), consists of eight points taken by the Chair from the discussions at the session. The Netherlands considers that they reflect basic views on the Treaty and its review cycle that appear to be shared by the States parties. The eight points are:

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1. The Non-Proliferation Treaty remains of central importance to its States parties, which have reaffirmed their commitment to the Treaty and the implementation of its provisions.

2. The Treaty contains shared common objectives. Despite disagreements over the pace of its implementation, progress on disarmament, non-proliferation and the use of nuclear energy for peaceful purposes are considered to be mutually enabling, reinforcing and balancing elements.

3. The Treaty is the cornerstone of the global regime for nuclear non-proliferation and disarmament. As such, it is an essential part of the modern collective security system. The current international geopolitical challenges underline the important role of the Treaty and the need to uphold and strengthen it.

4. The Treaty helps us to ease tensions and build confidence between States and, therefore, contributes to a safer, more secure and more peaceful world. As its preamble reflects, the Treaty aims to safeguard its States parties and their peoples from the devastation of nuclear conflict.

5. The Treaty is central to our legal and political efforts on non-proliferation and disarmament. These form a continuing process that is underpinned by the Treaty's review cycle. The Treaty combines a near-universal scope with a legally binding framework.

6. It is important that we maintain an open, inclusive and transparent dialogue at the meetings of the Review Conference and the Preparatory Committee. We must strive to make these meetings as effective and efficient as possible, including by maximizing the continuity between them.

7. We must, therefore, ensure that the vitality and integrity of the Treaty remain intact, and that we continue to work towards its universalization.

8. With a view to the fiftieth anniversary of the Treaty's entry into force in 2020, we should work to identify areas where progress is possible, cooperate in order to move forward and search for compromise where necessary.

5. Many States parties, as well as independent experts, have stressed the need to increase the effectiveness and efficiency of the Treaty's working methods. It is necessary to improve the interconnectivity between the consecutive sessions of the Preparatory Committee, and between the Preparatory Committee and the Review Conference, in order to generate more substantive input for the Review Conference and to avoid unnecessary repetition of statements and discussions.

6. The present working paper is intended to contribute to those goals. It is important that participants in all three consecutive sessions of the Preparatory Committee work towards capturing substantive outcomes or conclusions in areas where that is possible and that the present session contribute to this goal to the fullest extent possible. This could lessen the burden and pressure on the 2020 Review Conference and help to focus discussions on tangible outcomes.

7. Nevertheless, discussions on more divisive topics should not be avoided by the States parties if the Treaty's review cycle is to remain relevant. Nor, however, should such topics be allowed to "spoil" or interfere with potential progress on other issues before the Preparatory Committee.

Chair's factual summary of the first session of the Preparatory Committee

General considerations

8. Despite differences of opinion between States parties, it is important not to lose sight of the common interests that all States share under the Treaty. The first five paragraphs of the Chair's factual summary of the first session reflect a large degree of consensus among States parties regarding the role of the Treaty and its implementation, including: the final documents of the 1995 Review and Extension Conference and of the 2000 and 2010 Review Conferences; an outlook on the 2020 Review Conference; and the importance of achieving universal adherence to the Treaty.

9. In paragraph 6 of the summary, mention is made of action 22 of the 2010 action plan, on disarmament and non-proliferation education. Many States parties had, during the first session, referred to the importance of knowledge transfers, capacity-building and encouraging critical thinking. In paragraph 7, it is noted that "States parties emphasized the importance of promoting the equal, full and effective participation of both women and men in the process of nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy". There was a high degree of convergence of opinion on both the issue of education and the role of gender in relation to nuclear disarmament and non-proliferation at the session.

Working methods

10. In paragraphs 134–136 of the summary, it is noted that:

> States parties reaffirmed the purpose of the review process as set out in the relevant decisions of the 1995 Review and Extension Conference and the 2000 Review Conference. States parties exchanged views on a number of specific proposals, including: enhancing the interactivity of discussions; increasing accountability through transparency and reporting; increasing the participation of women in delegations; enabling the Preparatory Committee to take substantive decisions; conducting work on the basis of a rolling text so as to enable progress to be carried forward by each session of the Preparatory Committee; ensuring effective time management; and revisiting the topics considered by subsidiary bodies. There was also recognition of the need to ensure efficiency, effectiveness, coordination and continuity throughout the review cycle. In that context, there were calls for, inter alia: the early nomination of Presidents of the Review Conference and Chairs of the Preparatory Committee; encouraging past and incumbent Presidents and Chairs to be available for consultations with the incoming President and Chairs regarding practical matters relating to their responsibilities; and continuing outreach and the practice of holding regional dialogues prior to each session.

11. The Treaty review cycle has an important function. The Treaty evolves and develops, as a living regime, which means that it requires constant maintenance and strengthening to stay relevant, adapt to changing circumstances and meet new challenges. The review process serves to channel these processes. However, a vast majority of consulted experts and officials signalled a lack of effectiveness and efficiency in the working methods of the Treaty review mechanism. Yet it is difficult to translate this emerging consensus into political action at review cycle meetings.

12. The Chairs of these meetings should work closely together in emphasizing the importance of this topic and the fact that improving working methods facilitates, not replaces, substantive progress. Inter-Chair cooperation is important, moreover, to avoid duplication of work and make the review cycle more efficient. In this context,

it is necessary to have the nominations of the Chairs for the meetings in 2019 and 2020 as soon as possible.

13. It is crucial to broaden and deepen the sense of ownership of the Treaty as a global security instrument benefiting all its members. Transparent and inclusive operation by the Chairs is necessary. The approach consisting of a programme of regional outreach meetings facilitates and increases such transparency and inclusivity and thereby heightens the sense of ownership of the Treaty regime. This means, inter alia, avoiding decision-making in small groups, taking into account regional input and being available for bilateral discussions with all States parties.

Disarmament

14. On disarmament, it is noted in paragraph 8 of the summary that:

> States parties reaffirmed their commitment to the full and effective implementation of article VI of the Treaty. It was recalled that States parties were committed to pursuing policies that were fully compatible with the Treaty and to contributing to achieving a world without nuclear weapons. In that context, there were calls for States parties to use the current review cycle to identify, elaborate and negotiate effective measures for the full implementation of article VI.

15. Paragraph 13 of the summary reflects the strong links that were made at the first session of the Preparatory Committee between disarmament, international peace, security, stability and confidence-building. It is important to take into account the developments in this broader context in the discussions at the next sessions of the Committee. The summary also reflects the mutually reinforcing nature of disarmament and non-proliferation. Concerns were voiced at the first session that the continued possession of nuclear weapons could fuel proliferation; at the same time, it was considered that strong non-proliferation guarantees were essential for creating the conditions for further disarmament.

16. States parties at the first session of the Preparatory Committee welcomed steps taken to implement the New START Treaty. They also recognized the value of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF Treaty), expressed concern about issues relating to its implementation and called for efforts to preserve its viability and to resolve implementation issues in accordance with its provisions, including through its Special Verification Commission.

17. Several treaties, instruments and initiatives were discussed in the context of the implementation of article VI of the Non-Proliferation Treaty, including the ratification and entry into force of the Comprehensive Nuclear-Test-Ban Treaty and developments in the field of the negotiation of a treaty banning the production of fissile materials for use in nuclear weapons or other nuclear explosive devices. In particular, there was a high degree of convergence of opinion among States parties on the role of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the development of the International Monitoring System, on transparency and reporting, as well as on the importance of nuclear disarmament verification efforts.

18. The summary reflected a first step in the discussion between States parties on the negotiations of the Treaty on the Prohibition of Nuclear Weapons. Since then, negotiations on the instrument have been completed and a final text has been adopted. It is important that points of concern relating to the possible impact of that instrument on the Non-Proliferation Treaty and its review cycle be addressed. This calls for an

appropriate and pragmatic approach to discussions on this issue at the remaining sessions of the Preparatory Committee.

Non-proliferation and regional issues

19. On the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, it is noted in the summary that:

> States parties reaffirmed their support for the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recalled the affirmation of its goals and objectives by the 2000 and 2010 Review Conferences. They reaffirmed that the 1995 resolution remained valid until its goals and objectives had been achieved and that the 1995 resolution, which had been sponsored by the depositary States of the Treaty, was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was extended indefinitely without a vote in 1995. States parties recalled their resolve to undertake, individually and collectively, all measures necessary for its prompt implementation.

Paragraphs 96–101 of the summary could form the starting point for discussions on this issue at the remaining sessions of the Preparatory Committee.

20. On non-proliferation issues, the establishment of the Joint Comprehensive Plan of Action was discussed at the first session of the Preparatory Committee. Many States parties welcomed its ongoing implementation. It is noted in paragraph 102 of the summary that "States parties underscored the vital role of the International Atomic Energy Agency in verifying and monitoring the implementation by the Islamic Republic of Iran of its nuclear-related commitments under the Plan".

21. There was general agreement on the proliferation threat posed by the Democratic People's Republic of Korea. In the summary it is noted that:

> States parties condemned in the strongest terms the five nuclear tests conducted by the Democratic People's Republic of Korea, including those carried out on 6 January and 9 September 2016, and the repeated launches of ballistic missiles in violation of and with flagrant disregard for the Security Council resolutions. States parties strongly urged the Democratic People's Republic of Korea to refrain from conducting any further nuclear tests and launches that used ballistic missile technology, in accordance with relevant Council resolutions, and to renounce its policy of building its nuclear forces, which undermined the global non-proliferation regime.

22. States parties were generally in agreement on broader non-proliferation issues, such as the role, development and implementation of nuclear safeguards by the International Atomic Energy Agency, the importance of work being done by the Agency on nuclear security, and the need to ensure that nuclear-related exports do not directly or indirectly assist in the development of nuclear weapons or other nuclear explosive devices and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, in particular, in articles I, II and III, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted by the 1995 Review and Extension Conference.

Peaceful uses of nuclear energy

23. There was also broad convergence of opinion on issues relating to the right to use nuclear energy for peaceful purposes. This should allow the Preparatory Committee to further develop its discussions in this area. For example, it is important for States parties to reach out beyond those involved in the nuclear field to inform international development practitioners about the contributions that nuclear energy

can make to achieving sustainable development objectives. Nuclear applications play an essential role in areas such as human health, water management, agriculture, food safety and nutrition, energy and environmental protection.

Recommendations

24. Based on the above considerations, the Netherlands, under its authority as Chair of the first session of the Preparatory Committee, submits the following recommendations for consideration by the Committee in preparation for the 2020 Review Conference.

25. The Netherlands recommends that the Preparatory Committee:

(a) Elaborate a shared starting point and a common frame of reference, for discussions in the current review cycle, based on the eight points contained in the paper entitled "Towards 2020: reflections of the Chair of the 2017 session of the Preparatory Committee" (NPT/CONF.2020/PC.I/14);

(b) Reaffirm earlier commitments made under the Non-Proliferation Treaty, which are reflected in paragraphs 1–5 of the Chair's factual summary of the first session of the Preparatory Committee;

(c) Develop the discussion on education, gender and the use of nuclear energy for peaceful purposes using the relevant paragraphs of the summary as a starting point;

(d) Consider ideas and propose measures to enhance the output of Treaty review cycle meetings by improving its working methods, using the discussions that were held during the first session of the Committee, as reflected in the summary, as a basis for discussion;

(e) Emphasize the importance of nominating the Chairs for the meetings in 2019 and 2020 as soon as possible and further explore ideas for increased continuity and inter-Chair cooperation;

(f) Assess how regional approaches, conferences, instruments, initiatives or organizations can help to further the implementation of the Treaty;

(g) Reaffirm its commitment to the full and effective implementation of article VI of the Treaty, recall the commitment of all the nuclear-weapon States to undertake further efforts to reduce and ultimately eliminate their nuclear arsenals and reaffirm the importance of the continued implementation of bilateral arms control agreements between the Russian Federation and the United States;

(h) Develop the relationship between nuclear disarmament, non-proliferation and international peace, security and stability and discuss the role of risk reduction measures and strategic stability dialogues;

(i) Advance the discussion on transparency, reporting and nuclear disarmament verification, possibly through special panels, side events or expert discussions;

(j) Encourage pragmatic prudence and reciprocal restraint when the Treaty on the Prohibition of Nuclear Weapons is discussed, acknowledge that having such a discussion does not necessarily imply endorsement of that treaty or the norms therein and emphasize that the Non-Proliferation Treaty remains the cornerstone of the nuclear disarmament and non-proliferation regime;

(k) Discuss regional issues, including the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East and

proliferation threats, taking the relevant paragraphs of the summary as a starting point;

(l). Reaffirm the relevant paragraphs of the summary on structural issues relating to non-proliferation and, where possible, look for opportunities to advance the discussion on issues such as the role and development of nuclear safeguards and the consequences of withdrawal from the Treaty.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

13 March 2018

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Geneva, 23 April–4 May 2018

Procedures in relation to exports of nuclear materials and certain categories of equipment and material under article III (2) of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America as the members of the Zangger Committee

The co-sponsors propose that the Preparatory Committee submit to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons the following language for inclusion in the final document of the Review Conference:

That the Review Conference:

(a) Note that a number of States parties meet regularly in an informal group known as the Zangger Committee in order to coordinate their implementation of article III (2) of the Treaty related to the supply of nuclear material and equipment. To this end, those States parties have adopted two memorandums, A and B, which include a list of items triggering International Atomic Energy Agency (IAEA) safeguards, for their exports to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Zangger Committee's memorandums also relate to exports to non-nuclear-weapon States parties to the Treaty, insofar as the recipient State should recognize the items on the trigger list, as well as the procedures and criteria under article III (2), as a basis for its own export control decisions, including re-exports;

(b) Endorse the importance of the Zangger Committee in providing guidance for the States parties in meeting their obligation under article III (2), and invite all

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States to adopt the memorandums of the Zangger Committee as minimal standards in connection with any nuclear cooperation;

(c) Recommend that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III (2), be reviewed from time to time to take into account advances in technology, proliferation sensitivity and changes in procurement practices;

(d) Urge the Zangger Committee to share its experience on export controls, so that States may draw on the arrangements of its memorandums.